| COUNTY OF ORANGE | X | , |
|---|---|----------------------------|
| GIORA NEEMAN, | | |
| | Plaintiff, | Index No.: 2013 006289 |
| | | Hon. Elaine Slobod, J.S.C. |
| -against- | | AFFIDAVIT |
| | | OF |
| | | JOHN A. CONRAD |
| HOWARD SMITH, BLACK CAMPGROUND, INC. d/b/a CAMPGROUND and "JOHN being fictitious but representi Tenants and Guests currently known as Black Bear Campg Warwick, New York, | N BLACK BEAR N DOE", said name ng the names of the occupying the premises round, 197 Wheeler Road, Defendants. | |
| STATE OF NEW YORK |) | ζ. |
| COUNTY OF |) ss.) | |

SUPREME COURT OF THE STATE OF NEW YORK

JOHN A. CONRAD, being duly sworn, deposes and says as follows:

I am a Principal and Senior Hydrogeologist at PVE Sheffler, LLC with an office at
One Civic Center Plaza, Suite 501, Poughkeepsie, New York 12601, (845) 4542544. I have been retained by Plaintiff, Mr. Giora Neeman, as a consulting
hydrogeologist in the above-captioned action. I submit this affidavit in support of
Plaintiff's motion for a preliminary injunction.

- 2. I am employed by and manage Conrad Geoscience Corp., the environmental consulting division of PVE Sheffler, LLC. I hold bachelor's and master's degrees in geology. I have twenty-five years of experience conducting and supervising environmental studies and projects, including projects involving soil and groundwater investigations and remediation in a wide variety of settings on commercial and industrial sites, such as assessing impacts of discharges from commercial wastewater systems. My work on these sites has entailed site characterization and remediation relating to contaminated soil, groundwater, soil vapor, bedrock and surface water.
- 3. Since 1989 the vast majority of my work has been in New York. I am familiar with state and federal regulations relating to underground discharge of waste, and the criteria for investigating and remediating soil and groundwater contamination in those situations.
- 4. My curriculum vita is attached hereto as Exhibit A.
- 5. I have reviewed relevant documents produced by both plaintiff and defendants, including data supplied by the respective parties' contractors. All of the documents that I reviewed are part of the record, and will be offered in support of this affidavit. Among the documents I consulted in preparing this affidavit are:
 - a. SPDES permit and permit application documents for wastewater disposal systems at Black Bear Campground. Prepared by Jerome L. Strauss, submitted to NYSDEC by Black Bear Campground. 1980.

- b. SPDES permit and permit application documents for subsurface discharge of 16,000 gpd of treated sanitary waste through a septic tank with trench system. March 2008.
- c. Email correspondence by NYSDEC and Orange County Dept. of Health
 regarding septic system compliance status of Black Bear Campground. April –
 June 2013.
- d. Letter from MJS Engineering & Land Surveying to Orange County
 Department of Health re Black Bear Campground SPDES #0144938. July 27,
 2013.
- Letter from MJS Engineering & Land Surveying to Orange County
 Department of Health re Black Bear Campground SPDES #0144938. July 29,
 2013.
- f. Letter from MJS Engineering & Land Surveying to NYSDEC re Black Bear Campground SPDES #0144938. July 31, 2013.
- g. Drawings of Black Bear Campground Septic Closure Plan, prepared by MJS Engineering & Land Surveying; including West Record Plan, South Record Plan, North Record Plan, and Overall Plan. August 1, 2013.
- h. Survey map showing encroachments on portions of lands of Neeman, Town of Warwick, Orange County, NY; prepared by Schmick Surveying, Inc. February 16, 2013.
- i. Affidavit of Alan S. Lipman dated July 29, 2013.
- j. Affidavit of Michael B. Sandor dated July 28, 2013.

- k. Letter from Orange County Department of Health to Howard Smith, re BlackBear Campground. June 26, 2013.
- Letter from New York State Department of Environmental Conservation to Howard Smith, Black Bear Campground re. Reconnaissance Inspection and Notice of Violation. July 11, 2013.
- m. Wastewater Facility Inspection Report Site Visit, Black Bear Campground;
 prepared by New York State Department of Environmental Conservation. June
 18, 2013
- Letter from Orange County Department of Health to Howard Smith, Black
 Bear Campground; re Campground. July 16, 2013.
- Letter from William A. Frank to Hon. Elaine Z. Slobod, JSC, Supreme Court,
 Orange County re Neeman v. Smith, et al. July 29, 2013.
- p. Letter from Alan S. Lipman to Hon. Elaine Z. Slobod, JSC, Supreme Court,
 Orange County re Neeman v. Smith, et al. July 30, 2013.
- q. Whirlpool specification sheet for commercial washer Model CAM2762TQ.
- r. Analytical Report for Samples SP-S-1 and SP-W-1, collected from disposal tank on Neeman property on August 23, 2013 by PVE Sheffler. Report prepared by EnviroTest Laboratories, Inc. September 5, 2013.
- 6. On August 20, 2013 I visited the Neeman property and the southeastern boundary of the Black Bear Campground, and viewed campground features visible from the Neeman side of the property line. On August 23, 2013 a geologist with my firm, Timothy Pagano, returned to that location and collected

- samples of the contents of the disposal tank situated on the Neeman property across the property line from Black Bear campsite Unit G.
- 7. Based on site drawings prepared by MJS Engineering & Land Surveying, there are 140 or more campsites for recreational vehicles on the Black Bear Campground premises. Each campsite has a "sewer connection" designated "SC" on the survey drawings. The sewer connections flow into underground pipes, termed "sanitary lines." The sanitary lines lead to various discharge points, termed "existing outfalls," which are depicted on the survey drawings prepared by MJS Engineering and numbered 1 through 19. These outfalls presumably correspond to the 19 septic systems subject to the SPDES permit issued by NYSDEC on March 13, 2008. This SPDES permit authorizes subsurface discharge of 16,000 gallons per day (gpd) of treated sanitary waste through a septic tank with trench system.
- 8. Septic systems are designed to filter wastewater before it reaches groundwater.

 Sanitary waste contains fecal coliform, viruses and other pathogens, as well as elevated concentrations of nitrates, phosphates, chlorides and other potentially harmful contaminants. Properly designed and maintained septic systems treat and remove these substances by separating solids and liquids and passing the liquid effluent through a filtration trench or absorption field where bacteria and other waste components can break down. As the treated effluent percolates downward through the soil, additional filtration and breakdown occurs. If bacteria and other harmful substances are not intercepted and removed via treatment, they can enter the drinking water aquifer and move with the flow of

- groundwater into wells and streams. Septic treatment is especially important in places where residents rely on groundwater as a source of drinking water, such as the Black Bear Campground and surrounding area.
- 9. At least two disposal systems operated by Black Bear Campground do not correspond to any of the 19 septic systems authorized by the March 2008 SPDES permit. These two systems are the subject of the letter submitted to NYSDEC by Sandor dated July 27, 2013. One system is a seepage pit, which is situated between the Laundry building and the Neeman property boundary, into which laundry effluent was discharged for an unknown number of years. According to the July 27 Sandor letter, on July 15 all effluent from the laundry was re-routed to a septic tank that already was receiving septic waste from campsite Units L, M, N, O, P, Q and R. Nothing in the record shown to me identifies where the septic system for Units L, M, N, O, P, Q and R is located, nor is it possible to ascertain from the record whether this system has the capacity to handle the additional effluent flows from the Laundry facility.
- 10. The other system, according to the July 27 Sandor letter, is a septic tank and leaching chamber, which were mistakenly installed on the adjacent Neeman property. Mr. Sandor represents that this "mislocated" system was installed to accept septic waste from campsite units E, F, G, H, I, J and K, and was installed after the drain pipe for the original, permitted collection system was crushed. In a July 31 letter to NYSDEC and in his July 28, 2013 affidavit, Mr. Sandor indicates that the sanitary lines for units E-K had been re-routed to an "approved location" allowed under the current SPDES permit, and that the mislocated

system is no longer receiving wastewater. Mr. Sandor does not specify which of the 19 approved septic systems was placed back into service to accept effluent from units E-K, nor does the drawing accompanying his July 31 letter to NYSDEC depict a septic system at the end of the "new line" that accepts waste from units E-K. This repair and re-routing work was done on July 26, in response to a Notice of Violation dated July 11, 2013. However, nothing in the record I have reviewed indicates that corrective action plans were prepared or submitted to OCDOH in advance of the work, as directed in the NOV, nor is there a record of as-built plans being submitted to OCDOH, as directed.

11. The lid for the "buried septic tank" depicted on the Schmick Surveying survey map corresponds to the "septic tank and leaching chambers" referred to in the July 27 Sandor letter. The tank is situated on the Neeman property approximately 5 feet from the Black Bear Campground/Neeman property line, near campground Unit G. This tank is also depicted on a drawing attached to the letter submitted to NYSDEC by Sandor on July 31, 2013. Our inspection on August 23 indicated the following: The tank is of plastic construction. Its lid is 22 inches in diameter. The top of the tank is approximately 12 inches below grade. The chamber below the surface opening is approximately 48 inches in depth, 96 inches in length, and 40 inches in width. The capacity of the chamber is approximately 750 gallons, and was full to just below the overflow line with water and sludge. A vertical overflow pipe inside this chamber presumably leads to a discharge point, or perhaps another chamber, but the actual outfall

- point was not visible from the surface opening. The "leaching chambers" referred to in the July 27 Sandor letter were not visible.
- 12. During my site inspection on August 20, 2013, I observed an area immediately north of the Laundry building that appeared to have been recently covered with crushed stone. This stone-covered area may correspond to the location of the seepage pit referred to in the July 27, 2013 Sandor letter to NYSDEC, and which was reportedly taken out of service after laundry effluent was re-routed to a septic system that Mr. Sandor, in his affidavit claims originally served the laundry building, as well as campsite Units L through R.
- 13. There are reportedly 19 separate outfalls on the Black Bear property, according to a State Pollutant Discharge Elimination System (SPDES) permit issued by NYSDEC on March 13, 2008. This permit authorizes the discharge of 16,000 gallons per day (gpd) of "treated" sanitary waste through a septic tank with trench system. The current SPDES permit expires on March 31, 2018.
- 14. All 19 of the outfalls authorized by the current SPDES permit are required to consist of a septic tank that discharges to a leaching trench, which treats the sanitary waste by filtering the wastewater before it reaches groundwater. However, email correspondence from NYSDEC and the Orange County Department of Health in April, May and June, 2013, indicates that neither agency has documentation on file for any septic systems other than Outfalls 1, 2, 3 and 4, which were originally permitted in 1980. The August 2013 Record Plans prepared by MJS Engineering depict 19 individual septic tanks and "outfalls" on the Black Bear premises, but the plans do not include as-built

- design drawings for each system, so it is not possible to determine from the available information whether these systems are compliant with county, state or federal regulations. Both NYSDEC (letter dated July 11, 2013) and OCDOH (letter dated June 26, 2013) have issued directives to Black Bear Campground to provide details regarding unapproved and non-compliant disposal systems and to take corrective action to bring all disposal systems into compliance.
- 15. "Large-capacity septic systems" are federally regulated septic systems connected to multiple dwellings and serving 20 or more persons per day and accepting solely sanitary waste. Such systems are regulated by the U.S. Environmental Protection Agency (USEPA) and its federal Underground Injection Control (UIC) program under the authority of the Safe Drinking Water Act. Based on my understanding and experience with UIC regulations and enforcement, it would appear that septic systems on the Black Bear premises would fall within the UIC definition of "large-capacity septic systems." Unless there is some exemption of which I am unaware, these systems must meet the applicable federal requirements.
- 16. The unpermitted disposal system serving the Laundry building (and campground Units L, M, N, O, P, Q and R) reportedly consists of a buried seepage pit that accepted non-sanitary waste from washing machines in the laundry building; and does not include a "soil absorption area," as required by the SPDES permit. Consequently, this system appears not to be a septic system, as defined by USEPA, but does appear to be a cesspool or seepage pit that may fall within the definition of a federally regulated Class V injection well.

- Because seepage pits and cesspools are not designed to treat wastewater, untreated wastes can enter groundwater and contaminate drinking water supplies, creating a health hazard for residents using nearby water supply wells.
- 17. The unauthorized disposal tank, which is situated on the Neeman property across the property line from campground Unit G, appears to fall within the definition of a federally regulated Class V injection well. Although the Sandor letter of July 27, 2013 refers to it as a "septic tank and leaching chambers," during our inspection of this tank on August 20 and 23, 2013 we found no evidence of a soil absorption area or other treatment component. Therefore, we ask to be provided with as-built plans that show all tanks, lines and treatment components of this system. Untreated sanitary waste may contain phosphates, nitrates, chlorides, viruses, bacteria, chemicals and other potential groundwater contaminants, which can enter groundwater and contaminate drinking water supplies.
- 18. On August 23, 2013, PVE Sheffler collected one sample of sludge and one sample of water from inside the buried disposal tank on the Neeman property near Black Bear campground Unit G. PVE Sheffler submitted the samples to Envirotest Laboratories, a NYSDOH-approved analytical laboratory in Newburgh, New York, where they were analyzed for a variety of parameters that are associated with sanitary waste.
- 19. The samples were also analyzed for volatile organic compounds (VOCs), which are not normally associated with sanitary waste. The laboratory report is appended.

- 20. Although, as expected, the test results are consistent with sanitary waste, the samples also contained four VOCs: 1,2,4-trimethylbenzene; isopropyltoluene; methylene chloride; and toluene. It appears, therefore, that waste materials other than sanitary waste, as exhibited by the aforementioned VOCs, were discharged into this tank. Consequently, this disposal system appears to violate the federal UIC provision that large-capacity septic systems may receive only sanitary waste.
- 21. The Laundry facility has six commercial washing machines that are used by campground residents. The model number indicated on the machines is Whirlpool CAM 27262TQ3. Manufacturer's specifications for these machines are attached, which indicate they use a minimum of 23.22 gallons of water per cycle. For three cycles the water usage would be at least 69.66 gallons per load. Assuming an average of two loads of laundry per week for each of the 140 campground units, and assuming the campground is in use for at least 25 weeks a year, the average amount of laundry wastewater generated and discharged would be at least 490,000 gallons annually.
- 22. It is my understanding that campground residents are provided with a water hookup for their recreational vehicles and have access to other water-consuming amenities on the Black Bear complex, such as restrooms, swimming pool, and showers. Assuming that 140 campground units are in use for at least 25 weeks of the year, and assuming that water use averages 50 gallons/day per campground unit, the average annual water usage for campground residents,

- excluding use of the aforementioned laundry facility, would be 1,225,000 gallons.
- 23. The current SPDES permit authorizes discharge of up to 16,000 gpd. To my knowledge, the actual rates and volumes of wastewater discharges for the Black Bear Campground have not been determined by regulatory agencies or anyone else. Assuming that water usage for laundry consumes at least 490,000 gallons annually, and that other water usage consumes 1,225,000 gallons annually, the combined annual water usage would be in excess of 1,700,000 gallons, or approximately 12,000 gallons per campsite unit. If the campground is in use for more than 25 weeks per year, water consumption could be considerably higher than these estimates. All of this water is discharged into the various disposal outfalls that have been constructed to accept wastewater generated on the campground property.
- 24. There are two known unpermitted disposal systems along the boundary between Black Bear Campground and the Neeman property, specifically: 1) the buried tank that Mr. Sandor represents serves campground Units E, F, G, H, I, J and K; and 2) the seepage pit, which Mr. Sandor represents is connected to the Laundry building and campground Units L, M, N, O, P, Q and R. Both systems operated for an unknown number of years, and neither appears to meet county, state or federal requirements for an engineered soil absorption field to prevent waste contaminants from endangering drinking water supplies. Of particular concern to the Neemans, both systems were used to dispose of both sanitary and non-sanitary waste. Significant flows of laundry effluent, likely exceeding 490,000

- gallons per year, were discharged to the seepage pit. And the buried waste disposal tank near Unit G contains VOCs, which are not normally associated with sanitary waste. VOCs are chemical components found in thousands of industrial products. Because of their toxicity and mobility if released to the environment, VOCs are tolerated only at very low concentrations in groundwater and drinking water.
- 25. The two unpermitted outfalls along the Neeman property line represent a likely impact to groundwater on the Neeman property. Both outfalls are situated at the brink of an embankment leading downward to the Neeman property. Although the direction of groundwater flow has not been determined for this area, based on surface topography it is likely that groundwater along the Black Bear Camp/Neeman property boundary flows roughly eastward, from the Black Bear property onto the Neeman property. Consequently, contaminants in untreated wastewater discharged into the two unpermitted disposal outfalls were likely carried with the flow of groundwater onto the Neeman property.
- 26. Assuming, as Mr. Sandor states, that all discharges to the Neeman property ceased immediately prior to the July 29th court hearing, it is still possible there are other unpermitted wastewater outfalls along the Black Bear/Neeman boundary that represent additional potential impact to groundwater on the Neeman property. The MJS site plan shows a buried sanitary line connecting campground Units A, B, C and D, but no septic tank or outfall is shown in that location, suggesting that untreated sanitary effluent may be leaching directly into the ground in this vicinity. Also, Outfall 13, which is shown on the site

- plan as being connected to the Laundry building, is situated up-gradient of the Neeman property, which means that effluent discharged at this location would be carried with the flow of groundwater onto the Neeman property.
- 27. The regulatory status of all of the Black Bear wastewater disposal systems is in question. It appears that septic systems, seepage pits and disposal tanks have been installed and reconfigured by Black Bear without regulatory oversight over a period of many years. Since 1980, when the original four septic systems were first permitted, Black Bear Campground has doubled in size, with a corresponding increase in on-site wastewater disposal. Impacts to groundwater from unpermitted discharges of untreated waste have not been investigated on the Neeman property near the Campground boundary, in part because topography and dense vegetation make that area inaccessible to the large equipment required for soil and groundwater sampling; and in part because access via campground roads has been denied.
- 28. Some or all of the disposal systems on the Black Bear premises appear to be subject to regulation under the federal Safe Drinking Water Act, specifically, the Underground Injection Control program administered by the USEPA. If designated as Class V injection wells, these systems will require permitting or closure under USEPA oversight.
- 29. In my opinion groundwater and soils on the Neeman property have likely been contaminated by unlawful discharges of wastewater on the Black Bear Campground over a period of years. The severity and extent of contamination remain unknown. Certain areas of the Black Bear property where long-term

- discharge of untreated waste have occurred represent a continuing threat to groundwater, both on- and off-site, including the Neeman property.
- 30. Finally, in my opinion the following actions are necessary to: 1) determine impacts to soil and groundwater on the Neeman property; 2) plan corrective actions; and 3) prevent further impacts:
 - a. The design, capacity and compliance status of all Black Bear disposal systems should be verified under the direction of county, state and federal regulatory agencies, as appropriate. Unpermitted and non-compliant disposal systems should be closed or replaced in accordance with applicable county, state and federal regulations.
 - b. A soil and groundwater sampling program should be implemented to assess impacts to soil and groundwater along the Black Bear/Neeman property boundary. This program should include collection and analysis of subsurface soil samples using appropriate tools and methodology. The soil boring and sampling program should be designed to delineate impacts to soil and groundwater from discharge of sanitary and non-sanitary waste from all disposal points up-gradient of the Neeman property. Sample locations should be on both the Black Bear and Neeman property, and should include samples collected from directly beneath outfall locations and from inside septic system chambers. Soil borings at selected locations on both the Black Bear and Neeman properties should be converted to monitoring wells so that groundwater samples can be collected and analyzed and so the direction of groundwater flow can be investigated.

- c. Because the Neeman property along the campground boundary cannot be accessed due to dense vegetation, implementing the soil and groundwater program will require access for sampling vehicles and equipment via campground access roads.
- d. Water samples collected from on-site supply wells on the Black Bear and Neeman property should be analyzed for parameters associated with sanitary waste, VOCs, and other contaminants.
- e. The origin of VOCs detected in the buried disposal tank near campground
 Unit G should be determined.

Sworn to before me this

10 day of September 2013

Notary Public

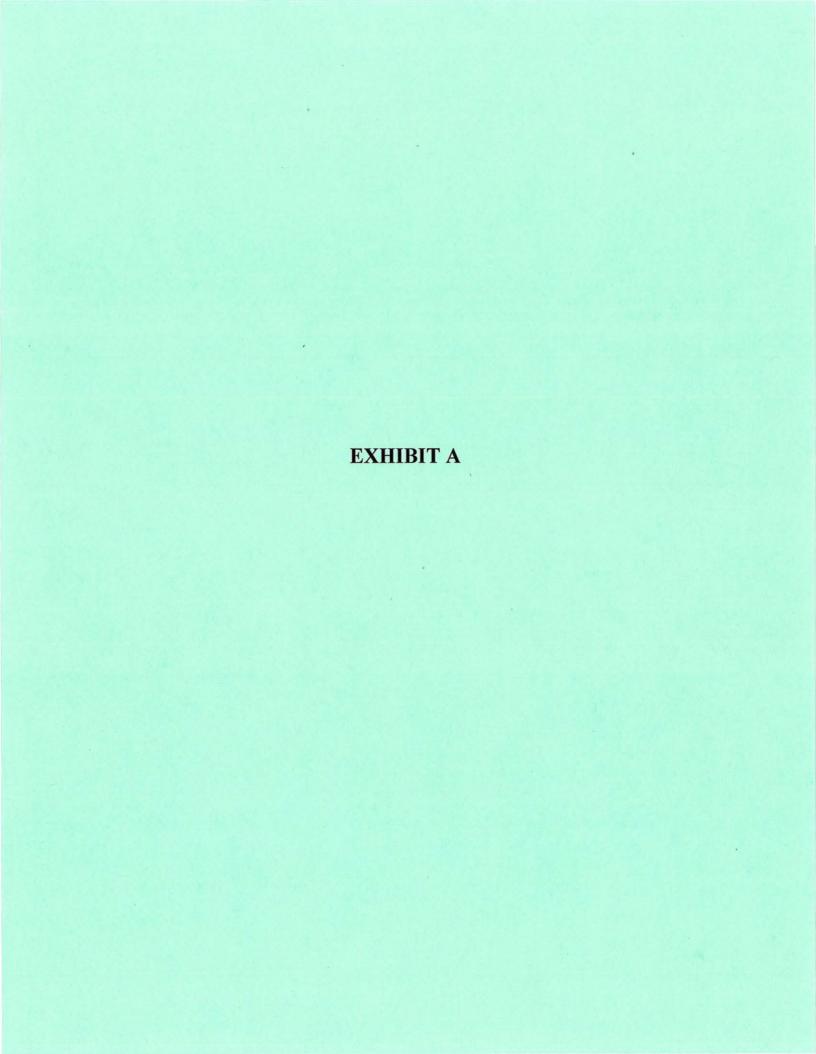
ETATE OF New York

COUNTY OF STUDENTS

John A. Conrad

NASHLY M HOOTEN Notary Public - State of New York NO. 01H06282703

Qualified in Dutchess County
My Commission Expires 5/28//



JOHN A. CONRAD

Senior Hydrogeologist

Education

- M.S., Geology, University of Delaware, 1985
- B.S., Geology and Environmental Biology, Eastern Illinois University, 1981

Fields of Specialization

- Petroleum Spill Investigations and Remediation
- Hazardous Waste Site Investigations
- Subsurface Characterization
- Phase I and II Environmental Site Assessments
- Geologic Carbon Sequestration
- UIC Injection Wells

Professional Affiliations

- Association of Groundwater Scientists & Engineers
- Geological Society of America
- Independent Oil & Gas Association of New York
- Pennsylvania Independent Oil & Gas Association

Experience Summary

Mr. Conrad, is a Principal of PVE Sheffler LLC, and is employed as Senior Hydrogeologist with Conrad Geoscience Corp., the environmental consulting division of PVE Sheffler. Since 1986, Mr. Conrad has conducted and supervised

subsurface environmental studies and projects related to groundwater protection and evaluation. His experience includes site characterization in diverse geologic and industrial settings: Evaluation of hazardous waste disposal facilities and landfills; property transaction assessments; monitoring the occurrence and movement of solvents, road salt, petroleum and other waste constituents in the subsurface; vapor intrusion assessment; underground storage tank management and assessment of leaking underground storage tanks; preparation of environmental impact statements; geophysical surveys; and soil gas surveys. Mr. Conrad has studied more than 200 waste and petroleum discharges requiring delineation, remediation, and compliance with regulatory requirements.

Mr. Conrad has managed and directed hundreds of Phase I and II environmental site assessments, multi-phase hazardous waste site investigations (RI/FS), groundwater monitoring programs, and site remediation programs. Mr. Conrad's responsibilities include staff supervision, project management, and corporate and health and safety.

Prior to forming Conrad Geoscience Corp. in 1996, Mr. Conrad worked as a hydrogeologist for U.S. Hydrogeologic, Inc. in Poughkeepsie, New York (1989-1996) and Environmental Science & Engineering, Inc. in Plymouth Meeting, Pennsylvania (1988-89), where he conducted environmental assessments of hazardous waste disposal sites in accordance with Army Corps of Engineers and USEPA directives, and achieved regulatory compliance for facilities in New Jersey, Pennsylvania, Virginia, and New York under RCRA, CERCLA and various state regulations. Mr. Conrad was also a consultant to E.I. duPont de Nemours, Inc. (1986-88), where he was involved in evaluating hazardous waste injection disposal facilities and preparing aquifer protection documentation for USEPA review. Mr. Conrad was also a petroleum geologist with Marathon Oil Co., working on oil and gas projects in the Illinois, Michigan and Appalachian Basins.

JOHN A. CONRAD (continued)

Mr. Conrad speaks frequently on subjects relating to subsurface characterization, environmental and regulatory issues surrounding natural gas drilling and hydraulic fracturing, and geologic sequestration of carbon dioxide.

Representative Projects

Site Assessment & Remediation

Project Director for subsurface characterization and remediation of soil and groundwater at an operating gas station in Sullivan County, New York. Delineated on-site and off-site impacts, devised and implemented remediation program in consultation with NYSDEC.

Project Director for UST removal and remediation of gasoline and waste oil spills for a former automotive garage property in White Plains, New York. Removed 15 leaking underground storage tanks, evaluated potential impacts, and devised a remedial action plan in consultation with NYSDEC. Spill files were ultimately closed by NYSDEC.

Project Director for county-wide storage tank removal/replacement program. Oversaw public bid process and supervised contractors removing and installing non-compliant fuel tank systems at all facilities owned by Dutchess County. Provided soil and groundwater remediation services for facilities at which tank systems had failed.

Project Director for remediation of gasoline and fuel oil spills in Port Chester, New York. Work involved tank multiple tank closures and subsurface characterization followed by installation of an *in situ* remediation system involving co-injection of two oxidants: hydrogen peroxide and ozone. All spills were subsequently closed by NYSDEC.

Project Director for subsurface characterization of Class II Inactive Hazardous Waste Disposal Site in Dutchess County, NY. Conducted subsurface characterization of fractured bedrock to guide redesign of groundwater extraction and treatment program. Resulting remediation system achieved plume control and more efficient removal of dissolved chlorinated solvents from groundwater.

Consulted on behalf of a property owner to determine requirements and responsibility for vapor intrusion assessment and mitigation. Soil and groundwater conditions originated from historical hazardous material releases. Assisted in resolving disputed issues with Minnesota Pollution Control Authority and St. Paul Port Authority.

Project Director for Remedial Investigation; and Feasibility Study for contaminated industrial site in Dutchess County, New York under the Voluntary Cleanup Program. Delineated extent of petroleum hydrocarbons and perchloroethylene (PCE), evaluated potential impacts from leaking fuel tnaks and solvent tanks. Carried out groundwater remediation via groundwater circulation sparge system. Site was subsequently released from NYSDEC Voluntary Cleanup Program.

Project Manager for environmental services during landfill remediation at New York State Thruway site, Orange County, New York in 2004. Responsible for screening and segregation of contaminated soil and waste during excavation and removal of a solid waste landfill.

Project Director on behalf of Archdiocese of New York. Delineated lateral and vertical extent of soil contamination in area slated for construction of school addition to determine impacts from historical releases of hydrocarbons from former Manufactured Gas Plant and from fuel storage tank systems. Provided site management and monitoring during foundation construction to ensure that contaminated soils were property handled and disposed of.

Project director for Inactive Hazardous Waste Disposal Site in Orange County, NY. Delineated lateral and vertical extent of heavy metals in soil that originated from sewage disposal at former commercial disposal facility. Completed Remedial Investigation and Feasibility Study, negotiated and implemented remedial program.

Project Director for Remedial Investigation and Feasibility Study of Beekman Highway Garage and Municipal Landfill, Dutchess County, New York. Prepared RI workplan, supervised geophysical measurements, soil gas survey, leaking fuel tank assessment and soil/groundwater sampling program to pinpoint sources of road salt, solvent and fuel

JOHN A. CONRAD (continued)

contamination in drinking water aquifer. Managed fuel tank closure and soil and groundwater remediation.

Project Director for Preliminary Site Assessment (PSA); and Interim Remedial Measures (IRM) for contaminated industrial site in Poughkeepsie, New York. Delineated heavy metals and VOCs in soil and groundwater, removed leaking underground storage tanks, evaluated potential impacts, prepared and implemented remedial action plan under supervision of NYSDEC. Property was subsequently removed from list of Inactive Hazardous Waste Disposal Sites, and was redeveloped for residential/institutional use.

Surface Water Investigations

Conducted sampling of the Hudson River and its tributaries in Rockland and Columbia Counties for the Estuarine Research Reserve as part of a study to evaluate non-point source pollution.

Conducted survey and sampling of Bronx River in Westchester County, NY in support of civil enforcement action by New York Office of Attorney General.

Carbon Sequestration

Co-Principal Investigator for geologic characterization of the Newark Basin in southeastern New York to determine whether suitable geologic conditions exist for commercial-scale carbon dioxide storage. Project included geophysical seismic surveys, completion of a 7,400-ft borehole to examine geologic stratigraphy and structure, rock core and fluid sample collection, and borehole geophysical logging. Project funded by grant from U.S. Department of Energy.

Lectures & Presentations

 New Seismic Reflection Profiling Across the Northern Newark Basin, USA – Data Acquisition & Preliminary Results; presented at American Geophysical Union, Fall Meeting; San Francisco, CA; December 9, 2011

- Characterization of the Northern Newark Basin In Southeastern New York and Northern New Jersey; delivered at Carbon Storage Program, Infrastructure Annual Review Meeting; U.S. Dept. of Energy/NETL; Pittsburgh, PA; November 16, 2011
- Implications of Proposed SGEIS Requirements for Shale Gas Development in New York – Too Much Too Late?; delivered at IOGA-NY, Annual Meeting, Amherst, NY; November 9, 2011
- Shale Gas Development in New York –
 Environmental Issues and the Emerging
 Regulatory Framework; delivered at Interstate
 Oil & Gas Compact Commission, Annual
 Meeting; Buffalo, NY; October 18, 2011
- Hydraulic Fracturing: Limiting Liability with an Effective Well Testing Program; delivered at IOGA-NY & Ontario Petroleum Inst., Joint Meeting; Niagara Falls, ON; October 29, 2010
- Marcellus Shale, Environmental Issues, delivered at 9th Annual Gas Shales Summit; Houston, TX; June 8, 2010
- Vapor Intrusion Assessment at Chlorinated Solvent Spill Sites; presented at Geological Society of America, Annual Conference; Salt Lake City, UT; October 2005

Training/Seminars Attended

- Commitment to Excellence in Hydraulic Fracturing; American Petroleum Institute Workshop; Pittsburgh, PA; October 4-5, 2011
- Underground Storage Tank Compliance in New York; NYSDEC Seminar; Newburgh, NY; June 2009
- Ground Source Geothermal Wells, NGWA, August 2008

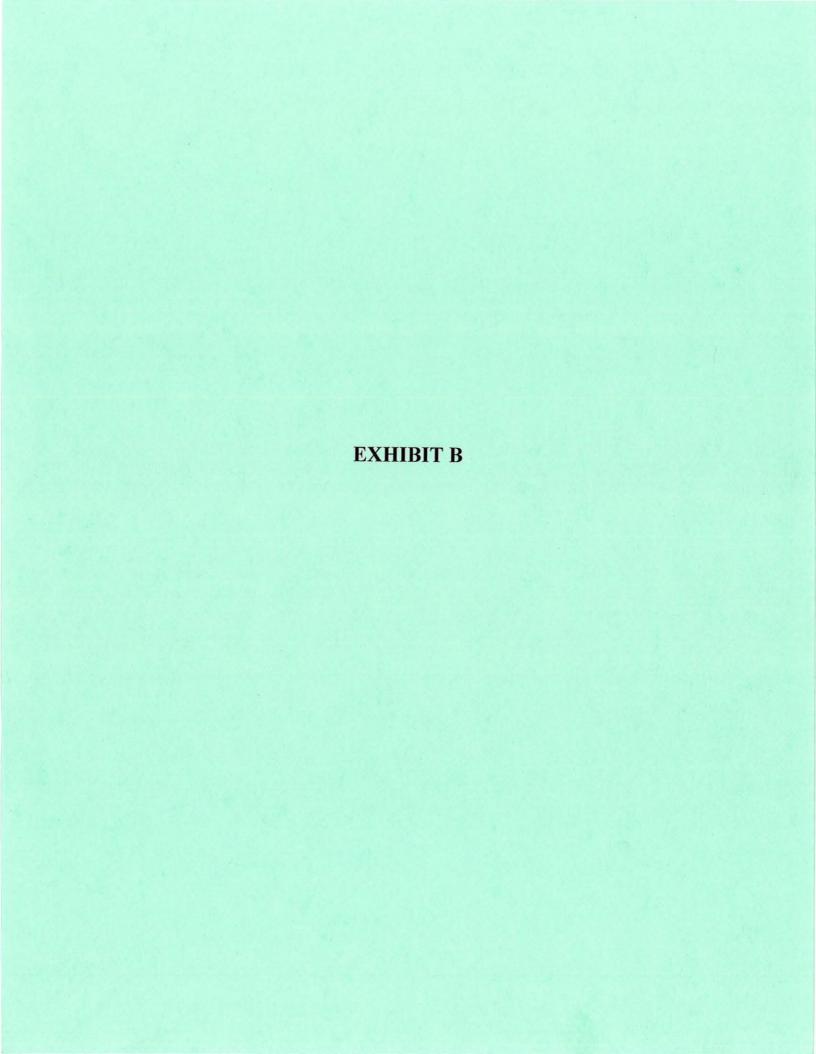
JOHN A. CONRAD (continued)

- Principles of Groundwater Flow & Chemical Transport in Fractured Bedrock; NGWA seminar; Babylon, NY; June 2008
- Environmental Forensics; NGWA seminar; Houston Texas, October 2006
- New Phase I Environmental Site Assessment Standards & Rules Seminar; Boston, October 2005
- Hydrogeological Applications of Environmental Geophysics Techniques; Saratoga Springs, NY, November 2004

 The Second International Conference on Remediation of Chlorinated and Recalcitrant Compounds; Battelle Conference; Monterey, CA; May 2004

Health & Safety Training

- OSHA Project Supervisor Training for Hazardous Waste Site Operations, 1992
- OSHA Hazardous Waste Site Operations Training, 1988



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION UNIFORM PROCEDURES ACT

| Date: 3 11 80 | Receipt No. U 00500 |
|---------------------------------|--|
| Region No.: 3 Office: _ | WATER/WHITE PLAINS |
| Applicant: BLACK BEAR CAMP G | WATER / WHITE PLAINS round; Florida, Orange Co. |
| Amount: \$50.00 | |
| Application Identification No.: | 0(44983 |
| Permit Type: SPDES | |
| 2 | |
| Check Money Order | Beth Lice |
| Check or M.O. No.: 0142 | DEPARTMENT REPRESENTATIVE |
| 32-14-13 (9/77) | TITLE |

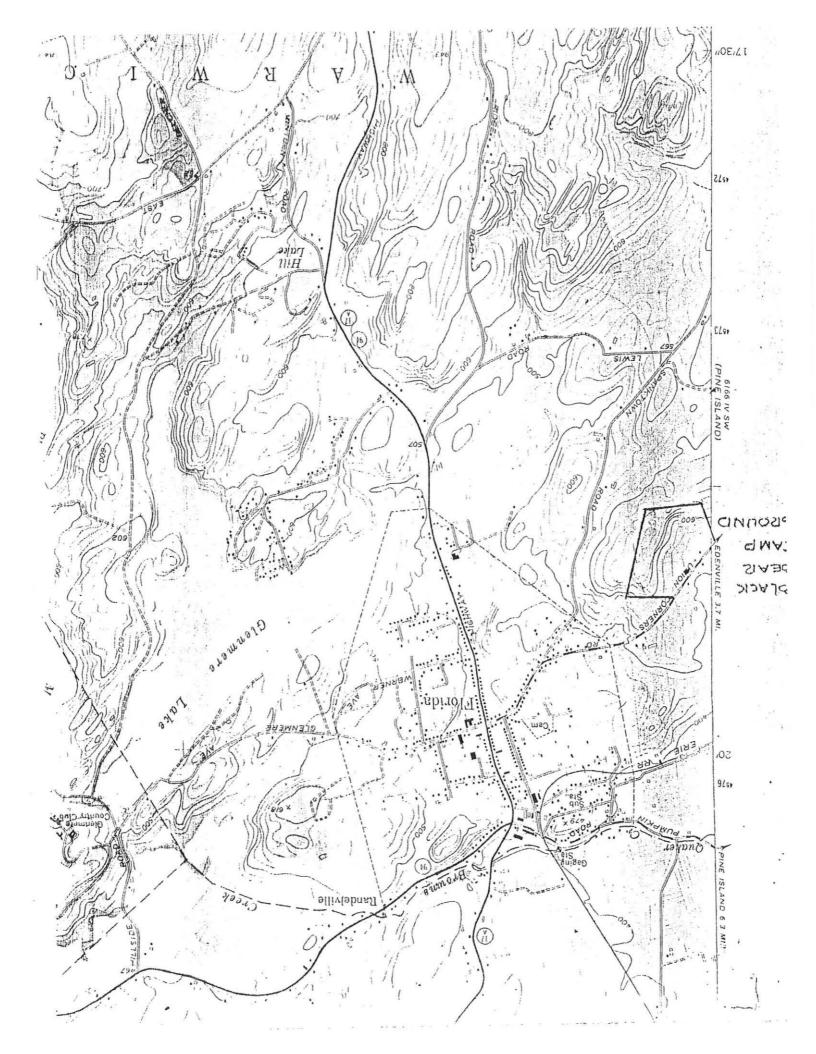
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| ATION OF PHANEET, Florida; Orange | APPLICATION NUMBER: UY 01449 | 183 |
|--|---|-----|
| HIT APPLIED FOR: SPORES | PEES 50 AMOUNT RECU. \$50.0 | 90) |
| | RECEIPT HUMBERI U-00500 | - |
| ER PERMITS REQUIRED: | | |
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| (and Notice of Application - Application by Folk and Oliver Executive of the control of the cont | 3 26 80 | |
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| RENEWAL (excluding SPDES) DR VCDIFICATION | | |
| Mail decision on application, or federmination that it will be treated as new application and as such as or is not complete. | (15 days after | |
| If treated as new application, continue below. | application received) | |
| MINOR PHOJECT Mail decision. | (45 days after | - |
| | completeness notice) | |
| NAJOR PROJECT | | |
| DEC IS NOT LEAD AGENCY FOR SEUR | | |
| Date final environmental inject statement received. Lead agency is | XXX | |
| | (20 days after receipt | |
| 2. Mail decision. | of final EIS) OR (90 days after completeness notice) LNICHEVER IS LATER | |
| PUBLIC HEARING IS TO BE HELD | (90 days efter completeness notice) | |
| | (90 days after completeness notice) | |
| POBLIC HEARING IS TO BE MELD Mail determination so hold searing | (90 days after completeness notice) WHICHEVER IS LATER: (60 days after | |

NOTE. When a deadline is not ber, the appropriate box on the actual bate column should be checked.

14-18-1 (10/77)

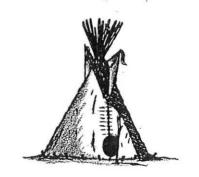




BLACK BEAR

CAMPGROUND

WHEELER ROAD FLORIDA, NEW YORK 10921 TEL. 914-651-7717



July 15, 198RECEIVED

N.Y.S. D.E.C. WHITE PLAINS OFFICE

Mr. Peter Doshna, Senior Sanitary Engineer N.Y.S. Dept. of Environmental Conservation 202 Mamaroneck Ave. White Plains, N.Y. 10601

> Re: Black Bear Family Campground Application # N.Y. 0144983

Dear Mr. Doshna,

Mr. Strauss, our consulting engineer, informed me that you heard a rumor that we intend to make changes in our original plans which were submitted to you for approval. The rumor is incorrect. We intend to build as shown on the original plans without change.

Yours truly,

Howard R. Smith

Howard South

Owner

202 Hamaroneck Avenue White Plains, New york 10601

Robert F. Flacks

May 27, 1980

Howard Smith & John Seekamp c/o Jerome Strauss, P.E. Dugway Road Accord, New York 12404

RE: YOUR APPLICATION FOR PERMIT TO DISCHARGE UNDER NEW YORK STATE STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM APPLICATION & NY-O144983 BLACK BEAR CAMP GROUNDS VARVICK (T), ORANGE COUNTY

Dear Mesars Smith & Seckamp:

Enclosed for your review and comments (if any) is a copy of the draft SPDES discharge permit this Department intends to issue to you for the discharge of 8310 gallons per day of treated sanitary wastes into groundwaters of the State from four (A) wastesster disposal systems at the applicant's facility located on Wheeler Road, Warwick (I). Two (2) septic systems are existing and two (2) are proposed to serve an administration building and picnic area.

The draft permit contains effluent limitations and monitoring requirements which you will be required to comply with.

A notice of your application will be published in the Department's biweekly publication called the "Environmental Notice Bulletin" and the public or other interested parties will be afforded an apportunity to write comments and/or request that a public hearing be held.

If you have any questions regarding this permit, contact me in this office at (914) 761-6660 prior to July 14, 1980 as we expect to issue the final permit on or after that date.

Very truly yours,

Peter M. Doshme, P.E. Senior Senitary Engineer

PHO:mbv bec: ENB

Regional Director 0.C.H.D. (I) Warwick FILE

NOTICE; OF COMPLETE APPLICATION

FOR NON-MINOR PROJECTS

| NAME OF APPLICANT: | DATE: May 27, 1980 |
|---|---|
| Howard Smith & John Seekamp Wheeler Road Florida, NY | 110) 27, 270 |
| PERMIT(S) APPLIED FOR: | APPLICATION NUMBER(S): |
| SPDES PROJECT DESCRIPTION: | NY-0144983 Black Bear Campgrounds |
| The applicant is proposing to constant and provide sanitary facilities for campground. The administration but while two septic systems presently project is located on Wheeler Road | ilding is to be served by a septic system serve the existing campground. The |
| | rposes of commencing review. (If necessary, from the applicant at a future date to proces |
| or () | e reviewed by the public at (XX) this offic . Written nvironmental impact statement (if required) uly 14, 1980 |
| within 90 days. If it is necessary to c the applicant will be notified of that d | ajor. Accordingly, a decision will be made onduct a public hearing on this application, ecision within 60 days of this notice and the this notice. If a hearing is held, a final er the hearing record is complete. |
| It has been determined that pursua Act (SEQR): | nt to the State Environmental Quality Review |
| (1) This project is not subject or listed as Type II. | to SEQR because it is exempt, excluded, |
| is automatically the lead as | o other agencies are involved so DEC gency. DEC has deemed that: |
| | ignificant effect on the environment. |
| (3) This project is unlisted; o optional coordinated proced | ther agencies may be involved but the ures for designating lead agency and |

determining significance will not be followed. DEC has determined that the project will not have a significant effect on the environ-

ment.

| (4) | This project is unlisted; it has been determined that it may |
|---------------------------------------|---|
| | have a significant effect on the environment. The lead agency |
| | is ; the |
| | draft EIS may be reviewed at |
| | until . |
| | (NOTE: If DEC is not the lead agency, a decision on the application |
| | cannot be made until DEC receives a final environmental impact |
| | statement from the lead agency.) |
| · · · · · · · · · · · · · · · · · · · | |
| (5) | This project is listed as Type I; the lead agency is |
| | |
| . , | 7 1 |
| * . | () It has been determined the project will not have a |
| 1. | significant effect on the environment. |
| | |
| | () It has been determined the project may have a |
| * * | significant effect on the environment; the draft |
| | EIS may be reviewed at |
| | until |
| e jara | · |

FOR FURTHER INFORMATION CONTACT: Peter M. Doshna, P.E. Senior Sanitary Engineer

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION - REGION 3 202 Mamaroneck Avenue White Plains, New York 10601

STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NOTICE OF APPLICATION FOR PERMIT TO DISCHARGE UNDER PROVISIONS OF NEW YORK STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM

> Application No. NY- 0144983 Black Bear Campgrounds

Notice is hereby given that, pursuant to Titles 7 and 8 of Article 17 of the Environmental Conservation Law of New York State for the administration of and the issuance of permits under said Law,

> Howard Smith & John Seekamp Wheeler Road Florida, New York

has filed a permit application with the New York State Department of Environmental Conservation at 202 Mamaroneck Ave., White Plains, NY 10601 where the application and related documents are available for public inspection.

The applicant is proposing to construct an administration building and provide sanitary facilities for a picnic area in an existing campground. The administration building is to be served by a septic system while two septic systems presently serve the existing camparound. The project is located on Wheeler Road, Warwick (T). This project is unlisted; other agencies may be involved but the optional coordinated procedures for designating lead agency * The New York State Department of Environmental Conservation tentatively intends to issue a State Pollutant Discharge Elimination System (SPDES) permit for the subject discharge(s). A final issuance will follow: (1) review of the application to assure compliance with all applicable provisions of Article 17 of the Environmental Conservation Law of New York State; (2) development of special conditions setting forth specific effluent limitations and other controls applicable to the discharge(s) described above, including schedules of compliance; (3) development of monitoring and reporting requirements for the applicant performance; (4) consideration of all written comments from persons who qualify as described below, as interested parties on this notice of application.

Any person interested in this application who wishes to comment thereon or become an interested party in any proceeding regarding this application must notify the undersigned in writing stating specific areas of interest on or before

All such written comments will be retained by the Department and considered in the formulation of the final determination. Any such interested party will be , eligible to be heard if a public hearing is ultimately held in connection with this application.

Further information may be obtained from the office of Region 3 at 202 Mamaroneck Avenue. White Plains, New York 10601, telephone number (914) 761-6660.

> Peter M. Doshna, P.E. Senior Sanitary Engineer

Region #3

^{*} and determining significance will not be followed. DEC has determined that the project will not have a significant effect on the environment.

NEW YORK STATE/DEPARTMENT OF ENVIRONMENTAL CONSERVATION

ENVIRONMENTAL NOTICE BULLETIN

Send To: Environmental Notice Bulletin

(914). 761-6660

17-16-6 (9/79)

This form MUST BE completely filled in before

| 50 Wolf Road, Albany, New Y | ork 12233 publication in ENB. |
|---|--|
| Project No. NY-0144983 | County <u>Orange</u> |
| | Howard Smith & John Seekamp |
| Applicant | Wheeler Road |
| Name and Address | Florida, New York |
| Project Description: | |
| and provide sa campground. T system while t | is proposing to construct an administration building initary facilities for a picnic area in an existing the administration building is to be served by a septic wo septic systems presently serve the existing the project is located on Wheeler Road, Warwick (T). |
| | |
| Project Address and/or Desc | ription of Site Location: |
| | Warwick (T), Orange County |
| *************************************** | |
| | * |
| LAST FILING DATE FOR PUBL (By law, this date must be Notice Bulletin) | AIC COMMENT: at least 14 days from the date of issue the notice will appear in the Environmental |
| SEQR DETERMINATION: (che | ck appropriate box) |
| SEQR-1 Project is not s | ubject to SEQR because it is exempt, excluded, or a Type II action. |
| | pe 1 action; it has been determined that the project will not have a significant effect nent. A Negative Declaration has been prepared and is on file. |
| SEQR-3 Project is an ur on the environm | nlisted action; it has been determined that the project will not have a significant effect nept. |
| ☐ SEQR-4 A draft environ | mental impact statement has been prepared on this project and is on file. |
| SEQR-5 A final environ | mental impact statement has been prepared on this project and is on file. |
| CONTACT: (name, agency, a | iffiliation, address, telephone number) |
| Peter | M. Doshna, P.E., Senior Sanitary Engineer |
| New Yo | ork State Department of Environmental Conservation |
| 202 Ma | amaroneck Avenue |
| White | Plains, New York_10601 |

NEGATIVE DECLARATION Notice of Determination of No Significance

Pursuant to Section 617.11 of the New York State Department of Environmental Conservation's implementing regulations pertaining to the State Environmental Quality Review Act, notice is hereby given that it has been determined that the action described below will not have a significant effect on the environment.

PROJECT: Black Bear Campgrounds

Wheeler Road, Warwick (T) LOCATION:

APPLICANT: Howard Smith & John Seekamp

DESCRIPTION OF PROJECT:

The applicant is proposing to construct an administration. building and provide sanitary facilities for a picnic area in an existing campground. The administration building is to be served by a septic system while two septic systems presently serve the existing campground. The project is located on Wheeler Road, Warwick (T).

BASIS FOR DETERMINATION:

- Completed Short Form EAF
 SPDES Application
- (3) report and Plans for Proposed Action

80-017

| 0 11 1 | MAD Add +1 Data |
|--|--|
| Bloom Bona Como Avonad | DATE APPLICATION RECEIVED 4 7 80 |
| OF APPLICANT BUILD SEET COMP 1410 LINE | APPLICATION NUMBER: NY-0144983 |
| TION OF PHILLET. (T) Warwick; Orange Co. | |
| CT APPLIED FOR. SPDES | FEE 5 AHOUNT RECU. \$ |
| A PERHITS REQUIRED. | RECEIPT NUMBER |
| | - NO FEE REQUIRED |
| | Date Dues Actual Date |
| L COMPLETENESS WITCE (and Notice of Application - Application | 4/22/80 |
| (and Notice of Application - Application to file and the facilities of the production - Application | application renalved) |
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| ECNEWAL (arcluding SPDFS) SH SUDIFFICATION | |
| Mail decision in application, or leteralization that it will be | |
| treated as new application and as such is of is not complete. If treated as new application, continue below | (15 days after application received) |
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| MINOR PROJECT MALL decision. | (45 days after |
| | completeness notice) |
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| DEC IS NOT LEAD AGENCY FOR SEQR | |
| Uate final environmental impact statement received. Lead agency is: | xxx - |
| 2. Mail decision. | (20 days after receipt |
| | Of flind EIS) OR |
| | completeness notice) |
| | CHICHEVER IS LATER |
| POBLIC HEARING IS TO BE HELD Hall determination to note hearing | (60 days after |
| tand send file to office of dearing officers) | completeness notice) |
| | |
| Mail decision. | (90 days after completeness notice) |

14-18-1(1)/77)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NOTICE OF INCOMPLETE APPLICATION

| To: Howard Smith and John Seekamp March 2 c/o Jerome L. Strauss, P.E. Dugway Road Accord, New York 12404 | |
|--|--------------------|
| Black | IL Bear Camp. |
| Permit Applied for: SPDES Location: Warw | IL Bear Camp. |
| Application Number: NY-0144983 (Please refer to this number in all your correspondence.) | |
| YOUR APPLICATION FOR THIS PERMIT IS INCOMPLETE. | |
| You failed to include with your application the full amount of fee. Please submit a check or money order in the amount of payable to the Department of Environmental Conservation. | |
| X Please submit the following data: Completed Short Form EAF | |
| | |
| It appears that other DEC permits may be required in connecting proposed project. In order for a comprehensive review of all for this project to be made, it is necessary for you to submit for the following permit(s): | DEC permits |
| | * |
| If you have reason to request that all permits not be process please notify the permit agent below to discuss the matter. | ed simultaneously, |
| It has been determined that your project is subject to Articl Environmental Conservation Law, the State Environmental Qualityour application will be considered complete when | |
| | * * |
| For further information, contact this office. | * |
| Permit Agent: Peter M. Doshna, P.E. Telephone Number | er: 761-6660 |
| If you wish to withdraw your application rather than complete it, the permit agent for refund of application fee. | please notify |

14-12-5 (10/77)



RECEIVED

NANCY COPLEY A. I. A

JEROME L. STRAUSS P. E

MAR 1 1 1980

March 10, 1980

N.Y.S. D.E.C. WHITE PLAINS OFFICE

Mr Peter Doshna White Plains Regional Office New York State Department of Environmental Conservation 202 Mamaroneck Avenue White Plains, New York 10001

> Re: Black Bear Camp Ground Florida, New York

Dear Mr Doshna,

We enclose herewith:

- I. Application for SPDES permit for captioned project.
- Xerox copy of part USGS map in area of project. (From Warwick Quadrangle)
- 3. Check in the amount of Fifty Dollars (\$50.00) made out to the N.Y. S.D.E.C.
- 4. Site plan of captioned project locating the outfalls numbered in the application.

The following is a brief summary of pertinent facts regarding the project and the reason for seeking a SPDES permit:

Black Bear Campground, a campground for persons in recreational trailers and motor homes has been in operation for a number of years. The existing sanitary facilities conform to the Orange County Department of Health requirements. Recently, when the owners wished to construct some additional facilities, the planning board of the Town of Warwick required the owner to prepare an overall master plan for the entire property. We prepared this plan which is embodied in the drawings herewith submitted. The planning board withheld formal approval pending approval of the new sanitary facilities shown on the plan by the Department of Health. The Department of Health determined that purview of the project lay with NYSDEC, not with the Department of Health.

COPLEY . STRAUSS

ARCHITECTS · ENGINEERS

(914) 626 0689

Black Bear Camp Ground has 74 approved camp sites; no increase in the number of sites is contemplated, hence no increase in the population of the facility is projected. The Town has stipulated that the facilities of the camp may be used only by those registered in the camp; no general public will be admitted. The camp ground is not open during the cold weather season.

In the development of the master plan, two additional buildings are planned which when and if built will require sanitary facilities. They are:

- I. An administration/ store building.
- Toilet rooms for a picnic area in a secluded part of the site.

Each of these would have two toilets for females and a toilet and urinal for males, as well as lavatories for each space. Regardless of wheather or not these facilities are constructed, the aggregate sewage flow would not increase since the population is limited.

The existing sanitary facilities at outfalls numberedlisand 2 on the enclosed application and shown on the site plan have been in existence long before acquisition by the present owner. Outfalls numbered 3 and 4 are projected for future development and may or may not be constructed.

| Outfall No. | Service | Total Rated Flow | System |
|-------------|--------------------------|---------------------|--|
| Ī | 4 campsites | 400 gpd | 750 Gal Septic Tank 150 ft. of leach tile |
| 2 | 70 Campsites | 7000 gpd | 20,000 gal Septic Tank Unknown amount of leaching tile |
| 3 | Store/admin. building | 800 gpd | Not yet designed |
| 4 | Toilet for picnic area | IIO gpd | Not yet designed |

The soil type at outfalls numbered I-3 is run-of-bank gravel with traces of clay covered by approximately one foot of top soil. Soil type at proposed outfall No 4 is clay/loam with poor percolation, covered with approximately one foot of topsoil. Average overburden above shale at outfall No 4 is 3'6". If DEC permits, it is proposed to install a filled area for a leach field at this location.

The one story home, a small Cottage, shown on the drawings is not part of the camp. It is rented year round to a provate individual.

Percolation testsand test pits have been dug at the locations of outfalls 3 and 4, but systems have not yet been designed. These will be forth-coming shortly.

In the meantime, we hope this information is what you require for reviewing the application.

Sincerely,

Jerome L. Strauss

202 Mamaroneck Avenue White Plains, New York 10601

~ . . . ·

September 10, 1980

Robert Flacke

Jerome L. Strauss, P.E. Dugway Road Accord, New York 12404

RE: BLACK BEAR CAMP GROUND FLORIDA, NEW YORK

Dear Mr. Strauss:

This is to advise you that the plans for the collection and subsurface systems for the above referenced project are being approved by this department.

By initiating the construction of the said project covered by the approval of the plans, the applicant accepts and agrees to abide by and conform with the following:

- (1) This approval is issued pursuant to SPDES Permit No. NY-0144983
- (2) That this approval letter shall be maintained on file by the applicant
- (3) That any and all construction undertaken the terms of the approval of plans shall be completely and wholly at the risk of the applicant.
- (4) That the facilities shall be fully constructed and completed in compliance with plans as approved on September 10, 1980.
- (5) That the office is to be notified when construction commences.
- (6) That the engineer will forward the results of the leakage tests of the completed work to this department.
- (7) That the professional engineer supervising such construction shall certify to this Department in writing and to the applicant that the constructed facilities have been under his supervision and that the works have been fully completed in accordance with the engineering report and the plans.

Jerome L. Strauss, P.E. Page 2

co≤ o'x

It is noted that all requirements of SEQR have been met.

Enclosed please find one copy of the approved plans and the engineering report.

One copy of the approved plans is also being sent to the Orange County Health Department since that department is responsible for the water plan approval.

Very truly yours,

Cesare J. Manfredi, P.E. Associate Water Pollution

Control Engineer

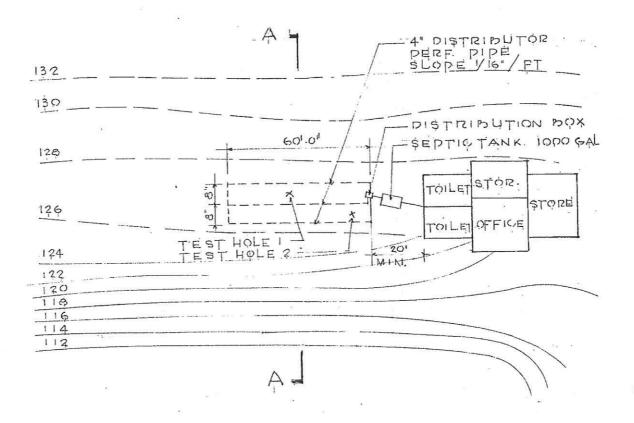
CJM: AM: fk

cc: Mr. Howard R. Smith

Mr. Frank Pierce

Orange County Health Dept.

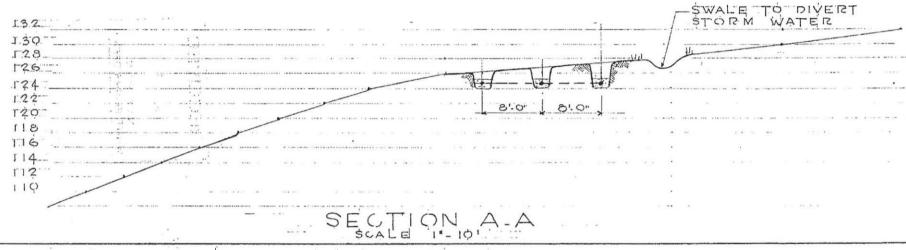
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PLAN OF SEWAGE DISPOSAL SYSTEM OUTFALL NO. 3

SCALE 1": 30'

PLACK BEAR CAMP GROUNDS FLORIDA, NY. COPLEY STRAUSS ARCHITECTS ENGINEERS ACCORD, NY NEW YORK STATE DEPT. OF ENVIRONMENTAL CONSERVATION Date: 07 10 1980 These plans by Black Blay Camp grounds The string of the permit issued the day. REGIONAL ENGINEER FOR ENVIRONMENTAL QUALITY By Sapitary Engineer



BLACK BEAR CAMP GROUNDS FLORIDA, N.Y.

NEW YORK STATE DEPT OF ENVIRONMENTAL CONSERVATION

Date: 29-L0-1980

These plans for Black Bear Camp grounds

(lubsorface droposal pystem)

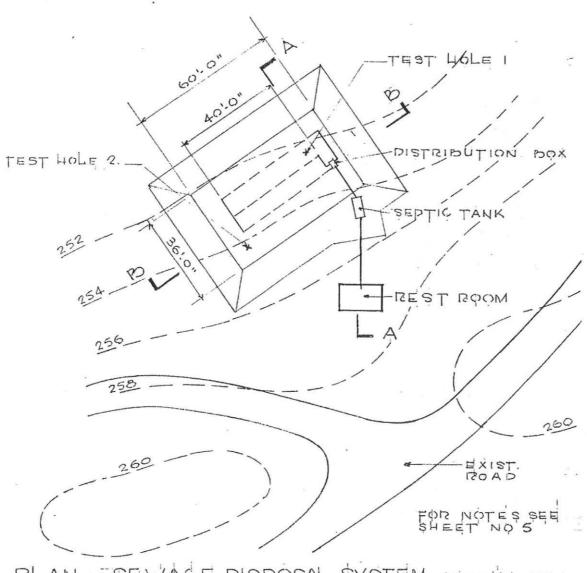
are hereby approved

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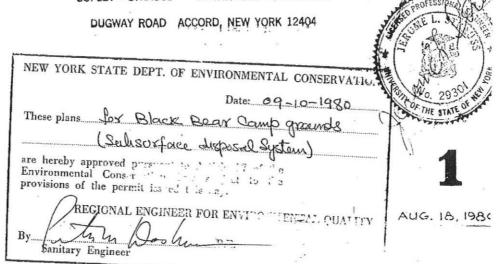
AUG 18 1980

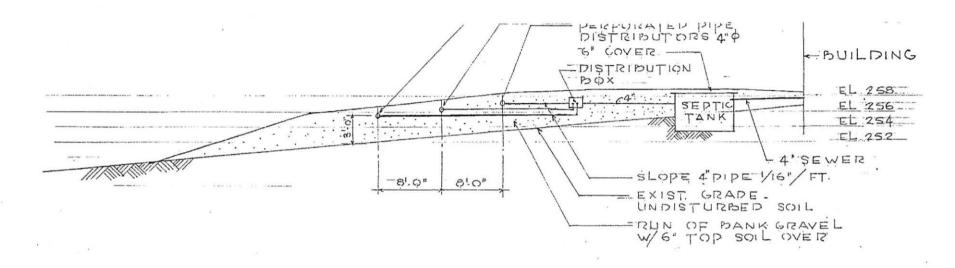


PLAN OF SEWAGE DISPOSAL SYSTEM OUT FALL NO 4

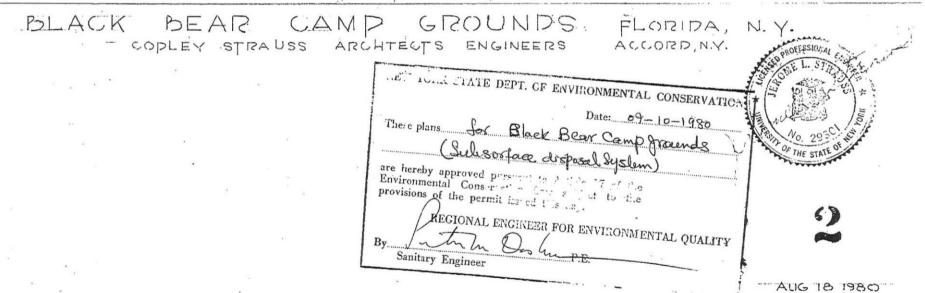
BLACK BEAR CAMP GROUNDS

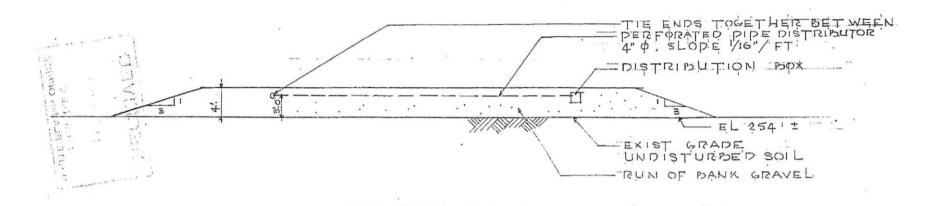
COPLEY • STRAUSS ARCHITECTS • ENGINEERS





SECTION A-A





SECTION B-B

BLACK BEAR CAMP GROUNDS FL COPLEY STRAUSS ARCHTECTS ENGINEERS AC

FLORIDA, N.Y.

| : | ORK STATE DEPT. (| F ENVII:ONM | ENTAL CONSE | RVATI: | PROFESSIONAL DE LA STORE |
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| are here Environi | by approved purs and mental Conservation | 19 1 1 1 7 | | Y | OF THE STATE OF |
| provision | of the permit iss c | dts.a. | 13 1.16 | . [| |
| 7 | REGIONAL ENGINE | EER FOR ENVI | RONMENTAL | QUALITY | 4 |
| Ву | My Mes C | upr | | | Q D |
| Sahi | tary Engineer | | | 1 | |

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMIT RENEWAL NOTICE

Permit Administration Section, Room 308 (518) 457-6780 New York State Department of Environmental Conservation 50 Wolf Road, Albany, New York 12233

Date of Notice

DEC 2 0 1984

DEC 28 1984

Are these labels correct? If not, see Item 4. below. New Pair

Permittee Contact Name, Title, Address
SMITH, HOWARD & SEEKAMP, JOHN
WHEELER ROAD

FLORIDA

NY 10921

Facility Name, Location, Permit No., Exp. Date

BLACK FEAR CAMP GROUND INC

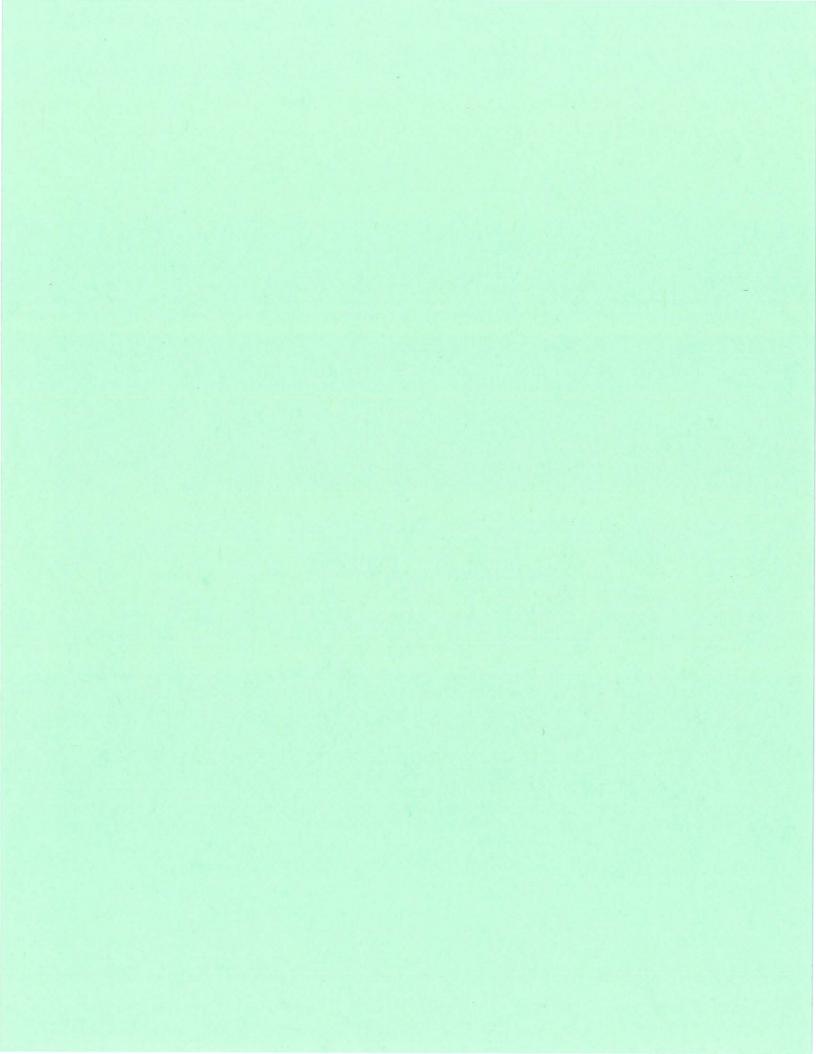
COUNTY - ORANGE

NY 014 4983

EXP.DATE 85-08-01

- 1. The State Pollutant Discharge Elimination System Permit for the facility referenced above expires on the date indicated. You are required by law to file for permit renewal at least 180 days prior to expiration of the permit.
- 2. The forms checked below are enclosed and must be completed by you and returned to the office indicated on the enclosed list of "Filing Locations for State Pollutant Discharge Elimination System (SPDES) Permit Applications" along with the application fee amount in the forms of a check or money order, payable to the "New York State Department of Environmental Conservation".
- 3. If you have any questions regarding filing of your application, please contact the office where the application should be filed refer to list of Filing Locations.
- 4. If any of the information on the labels on this notice is incorrect, please write the corrections on the labels and return this notice (or a corrected copy) with the completed application.
 - X Application Fee Schedule and Filing Locations for SPDES Permit Applications
 - SPDES Application Form D (for non-municipal non-industrial discharges of sewage (without the admixture of industrial or other wastes) from private residential, commercial, and institutional (incl. local, state, federal) facilities).

Enc. cc: Region # 3



New York State Department of Environmental Conservation Division of Environmental Permits

NYSDEC HEADQUARTERS 625 BROADWAY ALBANY, NY 12233 (518) 402-9167 WHITE PLAINS OFFICE

January 22, 2008

BRADLEY G CLEVERLEY MJS ENGINEERING & LAND SURVEYING PC 261 GREENWICH AVE GOSHEN, NY 10924

Re: DEC ID # 3-3354-00662/00001 BLACK BEAR CAMPROUND

Dear Applicant Agent:

Please be advised that your application for a DEC permit(s) is complete and a technical review has commenced. Notice and the opportunity for public comment is required for this application. Enclosed is a Notice of Complete Application for your project. Please have the Notice published in the newspaper identified below once during the week of 02/04/2008 on any day Monday through Friday.

TIMES HERALD-RECORD 40 MULBERRY ST PO BOX 2046 MIDDLETOWN, NY 10940

On the Notice of Complete Application, that information presented between the horizontal lines, on the enclosed page(s) should be published. Do not print this letter or the information contained below the second horizontal line. Please request the newspaper publisher to provide you with a Proof of Publication for the Notice. Upon receipt of the Proof of Publication promptly forward it to this office. You must provide the Proof of Publication before a final decision can be rendered on your application. You are responsible for paying the cost of publishing the Notice in the newspaper.

Notification of this complete application is also being provided by this Department in the NYSDEC Environmental Notice Bulletin.

This notification does not signify approval of your application for permit. Additional information may be requested from you at a future date, if deemed necessary to reach a decision on your application. Your project is classified major under the Uniform Procedures Act. Accordingly, a decision is due within 90 days of the date of this notice unless a public hearing is held, which may extend this time frame. If a public hearing is necessary, you will be notified.

If you have any questions please contact me at the above address or phone number above.

Sincerely,

TERESA DIEHSNER

Division of Environmental Permits

THIS IS NOT A PERMIT



New York State Department of Environmental Conservation Notice of Complete Application

Date: 01/22/2008

Applicant: HOWARD SMITH

Facility: BLACK BEAR CAMPROUND

197 WHEELER RD WARWICK, NY

Application ID: 3-3354-00662/00001

Permits(s) Applied for: 1 - Article 17 Titles 7 & 8 P/C/I SPDES- Groundwater Discharge

Project is located: in WARWICK in ORANGE COUNTY

Project Description:

M-0144983 The New York State Department of Environmental Conservation (DEC) has received an application to renew/reissue State Pollutant Discharge Elimination Systems (SPDES) Permit #NY 04-4983 for the Black Bear Campground, located at 197 Wheeler Road, Warwick, New York, in Orange County. DEC has made a tentative determination to renew/reissue this permit and set a standard ten year term. This permit involves the subsurface discharge of 16,000 gallons per day of treated sanitary waste. Name of nearest surface water: unnamed tributary to Quaker Creek.

DEC seeks comments on the proposed regulated activity prior to making a final decision on permit issuance.

Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR) Determination

Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was not performed.

SEQR Lead Agency None Designated

State Historic Preservation Act (SHPA) Determination

Cultural resource lists and map have been checked. No registered, eligible or inventoried archaeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

Availability For Public Comment

Comments on this project must be submitted in writing to the Contact Person no later than 03/07/2008 or 30 days after the publication date of this notice, whichever is later.

Contact Person TERESA DIEHSNER NYSDEC 625 BROADWAY ALBANY, NY 12233 (518) 402-9167

CC List for Complete Notice

Chief Executive Officer M. Duke, RPA; T. Rudolph, RWE; DOW-BWP ENB

New York State Department of Environmental Conservation Division of Environmental Permits, 4th Floor

625 Broadway, Albany, New York: 12233-1750 **Phone:** (518) 402-9167 • **FAX**÷ (518) 402-9168

Website: www.dec.ny.gov

Alexander B. Grannis

Commissioner

J. Rudd ph R3

MAR 18 2008

March 14, 2008

PERMITTEE INFORMATION

FACILITY INFORMATION

Howard Smith PO Box 82 Florida, NY 10921 Name: Black Bear Campground Location: 197 Wheeler Rd, Warwick, NY

County: Orange

DEC #: 3-3354-00662 SPDES #: NY 014 4983

Dear Permittee:

Enclosed is the State Pollutant Discharge Elimination System (SPDES) discharge permit for Black Bear Campground located in Orange County, New York. It authorizes the subsurface discharge of 16,000 gallons per day of treated sanitary waste through a septic tank with trench system. The permit term will begin April 1, 2008 and expire on March 31, 2018.

<u>Please read it carefully and note the conditions that are included.</u> The permit is valid for only that activity expressly authorized. Work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

As the holder of a SPDES permit, you are responsible for requesting a renewal of the permit at least six months prior to the expiration of the permit term. Applications for renewal are reviewed at the Department's Headquarters office located in Albany at the letterhead address. Other transactions regarding your permit, such as application for permit modification, permit transfers to a new owner, owner address changes and name changes, should be directed to the Regional Permit Administrator at the following address:

Margaret Duke, Region 3 Permit Administrator 21 South Putt Corners Road New Paltz, NY 12561 (845) 256-3054

Please refer to the DEC and SPDES numbers when you are corresponding with any DEC office, or when you are applying to renew or modify this permit.

Sincerely,

Teresa Diehsner

Division of Environmental Permits

Enclosures

c: M. Duke, RPA

T. Rudolph, RWE

DOW-BWP

Bradley Cleverley PE, MJS Engineering

APPLICATION FORM "D"





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|-----|---|----------------------------|--------------------------------|-----------------|
| | (A SPDES Application) | When Signed by a Perm | it Issuing Official Becomes | a SPDES Permit) |
| | (O DEO rippiloation | Tribui Orgined by a r citi | t 1990 illy Official Decounted | |

NOV 28 PLEASE PRINT OR TYPE APPLICATION TYPE IF RE-ISSUANCE OR MODIFICATION, GIVE PREVIOUS NUMBER NY -- 014 4983 New ✓ Re-Issuance Modification TYPE OF OWNERSHIP OWNER'S NAME (Corporate, Partnership, Individual) HOWARD SMITH ✓ Individual Corporate Partnership Public OWNER'S MAILING ADDRESS (Street, City, State, Zip Code) PO BOX 82 FLORIDA NY 10921 REFER ALL CORRESPONDENCE TO: (Name, Title and Address) TELEPHONE NUMBER BRADLEY G CLEVERLEY PE, MJS ENGINEERING & SURVEY, 261 GREENWICH AVE, GOSHEN NY 10924 (845) 651-7717 **FACILITY NAME** . FACILITY LOCATION (Street or Road) CITY, TOWN OR VILLAGE BLACK BEAR CAMPGROUND 197 WHEELER ROAD WARWICK COLINTY GIVE EXPLICIT DIRECTIONS TO LOCATION ORANGE ADJACENT TO VILLAGE OF FLORIDA NY 10921 POPULATION SERVED (See Instructions) NATURE OF BUSINESS OR FACILITY RECREATIONAL VEHICLE CAMPGROUND 160 SITES FREQUENCY OF DISCHARGE Yes No If No. Specify Number of Months All Week? · V Yes All Year? No If No, Specify Number of Days DOES YOUR DISCHARGE CONTAIN OR IS IT POSSIBLE FOR YOUR DISCHARGE TO CONTAIN ONE OR MORE OF THE FOLLOWING SUBSTANCES ADDED AS A RESULT OR YOUR OPERATIONS, ACTIVITIES OR PROCESSES? Ammonia Beryllium Cadmium ___Chlorine Aluminum Chromium Copper Cyanide Lead Mercury Nickel Phenois Selenium Zinc Grease V None of These DISCHARGE DATA (Use additional forms, if necessary) (See Instructions) Proposed Replacement TYPE OF WASTE TYPE OF TREATMENT **DESIGN FLOW** SEPTIC EFFLUENT SEPTIC TANK W/ TRENCH 800 ✓ Existing Expansion Gal/Day SURFACE DISCHARGE If YES, Name of Receiving Waters Classification Waters Index Number V No Yes Depth to Water Table SUBSURFACE DISCHARGE If YES, Name of nearest surface waters SOIL TYPE Distance UNNAMED TRIBUTARY TO QUAKER CREEK SILTLOAM 1800 Yes No OUTFALL NO. Proposed Replacement TYPE OF WASTE TYPE OF TREATMENT **DESIGN FLOW** 2 ✓ Existing Expansion SEPTIC EFFLUENT SEPTIC TANK W/ TRENCH 320 Gal/Day SURFACE DISCHARGE If YES, Name of Receiving Waters Classification Waters Index Number V No Yes SUBSURFACE DISCHARGE If YES, Name of nearest surface waters Distance SOIL TYPE Depth to Water Table UNNAMED TRIBUTARY TO QUAKER CREEK ■ Yes No 1800 SILTLOAM OUTFALL NO. Proposed Replacement TYPE OF WASTE TYPE OF TREATMENT DESIGN FLOW ✓ Existing Expansion SEPTIC EFFLUENT SEPTIC TANK W/ TRENCH 1,600 Gal/Day If YES, Name of Receiving Waters SURFACE DISCHARGE Classification Waters Index Number V No Yes SUBSURFACE DISCHARGE If YES, Name of nearest surface waters Distance SOIL TYPE Depth to Water Table V Yes 2000 UNNAMED TRIBUTARY TO QUAKER CREEK SILT LOAM No I hereby affirm under penalty of perjury that the information provided on this form and any attached supplemental forms is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. APPLICANTS SIGNATURE (see Instructions) DATE PRINTED NAME TITLE HOWARD SMITH OWNER 11 PERMIT VALIDATION SECTION APPLICATION NUMBER (Department of Environmental Conservation Use Only) NY-61449 This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental EFFECTIVE DATE EXPIRATION DATE Conservation Law of New York State and in compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, 3-31-2018 4-1-2008 P.L. 92-500, October 18, 1972 (33 U.S.C. §1251 et. seq.) (hereinafter referred to as "the Act"), ATTACHMENTS: and subject to the attached conditions Other conditions - general Signature of Permit Issuing Agent SIC CODE CARD Region CARD Latitude Lim Ind CARD Type Type # Out Dis Majo Sub Compact Longitude CARD Falls Class Basin Area 78 57 6 3 7

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| NY- 014 498 | 3. |
| EFFECTIVE DATE 4-1-2008 | EXPIRATION DATE 3-3(-2018 |
| PAGE 2 OF | . 7. |

APPLICATION FORM "D" FOR A STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMIT Continuation Sheet for Multiple Outfalls

| LEASE PRIN | T OR TYPE) | 8 | | | | | | | | 590 | | |
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| HOU | U ARD | SA | | * Xe) | | | | N | NEWAL OR | MODIFICATION, 4 4983 | GIVE PREV | IOUS NO. |
| BLI | ME ACH BE | AR | CAMP GRO | UND | - france | | OWN OR V | | | ORANGO | E | |
| | | ditiona | forms, if necessa | ry) (See Instruction | ons) | | | | | (M) | THE PERSON NAMED IN COLUMN | |
| TFALL NO. | Propose Existing | 100 | Replacement Expansion | SEPTICE E | FFLUEN | T | | c TO | WA W | TRESCH | DESIGN F | LOW Gal/Day |
| ₹FACE DISC | HARGE | If "Ye | s", Name of Recei | ving Waters | И | Classificat | on Waters | Index No | . | | | |
| SURFACE | DISCHARGE | If "Yes | ", Name of neare | st Surface Water | | Distance | SOIL | | | 2028 | Depth to | Water Tabl |
| X Yes [| □ No · | UNA | ACHED TRIBU | 17 ARY TO Q | UAPER CREEK | 1,900 | Ft. GRA | DELLY | SICT | LOAUS | >10 | F7 |
| TFÄLL NO. | | | ☐ Replacement ☐ Expansion | | EFFLUEN | 7 | TYPE OF T | | | TREKCH | DESIGN F | LOW Gal/Day |
| ₹FACE DISC | E | | s", Name of Recei | Depth 12 | | Classificat | THE RESERVE TO THE PERSON NAMED IN | | | 7 | 100 | Gairbay |
| 3SURFACE | DISCHARGE | If "Ye | s", Name of neare | st Surface Water | | Distance | SOIL | TYPE | | | Depth to 1 | Water Tabl |
| XYes [|] No ∵ . | UNIN | HUED TRIBUT | MY TO QU | SHEE CREEK | 1,900 | F1. 68 | AURU | 1 411 | 2 COMM | A 201 PAGE | FT |
| -26.56 | -EI-Pronoco | 1 | -Replacement | TYPE-OF-WASTE- | THUR CACCIT | ., | T-YPE-OF-T | | | 201107 | DESIGN-F | |
| 6 | Existing | | Expansion | SEPTIC | EFFLUE | 57 | | | | TRENCH | a transaction of the property | Gal/Day |
| FACE DISC | HARGE | If "Yes | ", Name of Recei | ving Waters | | Classificati | | | | | | |
| □ Yes [| No. | | | | | | İ | | | | | |
| | DISCHARGE | | ", Name of neare | | | Distance · | SOIL T | | | | Depth to | Water Tabl |
| Yes [| □ No | UKK | AMEN TRIB | STARY TO | QUALTER CREEK | 1,900 | FI. GRI | AUELI | 4 9/07 | LOAUS | > 10 | OFT |
| TFALL NO. | Proposed | d. | Replacement | THE RESERVE AND DESCRIPTION OF THE PERSON NAMED IN | | | TYPE OF T | REATMEN | Γ | TRENCH | DESIGN F | LOW Gal/Day |
| RFACE DISC | | | ", Name of Recei | | 7 | Classificat | | | | (Oix C/) | 700 | Gal/Day |
| ⊒ Yes 🖺 | X CNO | | | | | | | | | | | |
| SURFACE I | DISCHARGE | If "Yes | ", Name of neare | st Surface Water | | Distance | SOIL T | YPE | | | Depth to | |
| CXYes. | J № | UMM | auto TRIBUTI | AKY TO QUAL | IER CREEK | 4900 | FI. GRA | UELLS | 1 5/67 | codus | 710 | FT |
| TFALL NO. | ☐ Proposed | i | ☐ Replacement ☐ Expansion | TYPE OF WASTE. | | | TYPE OF T | REATMEN | Ţ | TRENCH | DESIGN F | |
| REACE DISC | CHARGE | | ", Name of Recei | | ETTLO | Classificat | | | | THEITE | 000 | Gal/Day |
| ☐ Yes 🖺 | X No | | | | | | | | | | 545 | |
| | DISCHARGE | If "Ye | ", Name of neare | st Surface Water | | Distance | SOIL | | | | Depth to | Water Tabl |
| Yes [| □ No | UNN | ALLED TRIBU | TARY TO QUE | AHER CREET | 2,200 | Ft. 5A1 | 964 | SILT | LOAM | 7 | 10 F7 |
| TFALL NO. | ☐ Propose | d | Replacement | TYPE OF WASTE | | | TYPE OF T | REATMEN | Ţ | | DESIGN F | LOW |
| 9 | Existing | | ☐ Expansion | SEPTIC | EFFLUE | NT. | SEP | 716 71 | ANTE W | TREMEH | 880 | Gal/Day |
| REACE DISC | | If "Yes | s", Ņame of Recei | ving Waters | 4 | Classificat | ion Waters | Index No | | | | 77- 1740 |
| | Ø. No | | | | | | | | | | 5 | |
| | | | ", Name of neare | | a. Medit hade | Distance | SOIL T | | 1 | | | Water Tabl |
| |] No | THE REST | ACHED TRIBL | Annual Control of the last of | UMMOR THEE | 2,100 | | | | LOADS | | F7 |
| | ☐ Proposed | | | TYPE OF WASTE | 655000 | | W_8 | REATMEN | | | DESIGN F | |
| 10 | Existing | | Expansion | GEPTIC | EFFLUE | | | IC TAI | | TIENCH | 2,000 | Gal/Day |
| REACE DISC | The Paris of the P | If "Yes | ", Name of Recei | ving Waters | 8 | Classificat | ion Waters | Index No | | a* | | |
| | No | | | | | | | | | | | |
| | | | ", Name of neare | | in here | Distance | SOIL T | | | | Depth to V | |
| X Yes [|] No | VINNA | HEN TRIBUTE | 17 TO WA | th CREET | 2,100 | rt. 9 6 | ALY | 5/17 | LOAM | > 10 | FT |

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| EXPIRATION DATE . |
| 3-31-2018 |
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APPLICATION FORM "D" FOR A STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMIT

Continuation Sheet for Multiple Outfalls

| LEASE PRINT OR TYPE) | | * | | |
|---|---------------------|--|------------------|-----------------------------|
| NNER'S NAME (Corporate, Parinership or Individual) HOWARD SMITH | | NY - 01 | MODIFICATION, C | IVE PREVIOUS NO. |
| BLACH BEAR CAMP GROUND | WAR 4 | | COUNTY ORANGE | <i>E</i> |
| CHARGE DATA (Use additional forms, if necessary) (See Instructions) | | | - | |
| TFALL NO. Proposed Replacement TYPE OF WASTE SEXISTING Expansion | T SEP | OF TREATMENT | TREMOH | DESIGN FLOW |
| REFACE DISCHARGE If "Yes", Name of Receiving Waters ☐ Yes ☐ You | lassification Wal | ters Index No. | , . | • |
| 3SURFACE DISCHARGE IT "Yes", Name of nearest Surface Water DINN AMED THIS UT ARY TO QUARTER CREEKT | | HALY SICT LC | AUT | Depth to Water Tabl |
| TFALL NO. Proposed Replacement TYPE OF WASTE 2 Proposed Expansion TYPE OF WASTE | . TYPE C | OF TREATMENT | | DESIGN FLOW 1.040 Gal/Day |
| ☐ Yes IX No | Classification Wa | ters Index No. | | |
| SSURFACE DISCHARGE If "Yes", Name of nearest Surface Water Yes \(\text{No} \) \(\text{VMANED} \) \(\text{TERVTARY TO QUARK CREET } \) | | OIL TYPE GHALY GILT L | | Depth to Water Tabl |
| TFALL NO. Proposed Replacement TYPE OF WASTE 13 Expansion SEPTIC EFFLUEN | | OFTIC TANK WI | | DESIGN FLOW 1,680 Gal/Day |
| | Classification , Wa | ters Index No. | | |
| DEYES INO UNHAMED TRIBUTARY TO OUNDER CALERT ! | | HLTYPE GHALY SICT C | | Depth to Water Tabl |
| TFALL NO. Proposed Replacement TYPE OF WASTE Y | MT | OF TREATMENT | | DESIGN FLOW 480 Gal/Day |
| ☐ Yes 內 No | Classification Wa | | | |
| XI YES INO UNMARKED TRENTARY TO QUALTER CREEK ! | 2,700 Fl. | | LOAM | Depth to Water Tabl |
| TFALL NO. Proposed Replacement TYPE OF WASTE | I CACALLA CACA | OF TREATMENT | | DESIGN FLOW 560 Gal/Day |
| ☐ Yes No | lassification Wa | ters Index No. | | |
| XIYES INO VILLAGED TRIBUTARY TO GRAFER CREEK ! | | OIL TYPE GHALY SICT LI | | Depth to Water Tabl |
| TFALL NO. ☐ Proposed ☐ Replacement TYPE OF WASTE 16 ☐ Expansion ☐ Expansion ☐ FF LUE | | OF TREATMENT PTIC TAME W/ | TRENCH | DESIGN FLOW 480 Gal/Day |
| | Classification Wa | | | |
| Doin Hee Broattimes , | | OIL TYPE GHALY GILT C | odus | Depth to Water Tabl |
| Proposed Replacement TYPE OF WASTE | TYPE C | OF TREATMENT | | DESIGN FLOW |
| | Classification Wa | ters Index No. | | |
| SURFACE DISCHARGE If "Yes", Name of nearest Surface Water | | ALLY SILT | | Depth to Water Tabl プレドブ |
| | -1 | Carteria Car | | |

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APPLICATION FORM "D" FOR A STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMIT Continuation Sheet for Multiple Outfalls

LEASE PRINT OR TYPE) VNER'S NAME (Corporate, Partnership or Individual) IF RENEWAL OR MODIFICATION, GIVE PREVIOUS NO. HOW ARD NY - 014 4983 CILITY NAME CITY, TOWN OR VILLAGE BEAR CAMPGROUND WARWICH iCHARGE DATA (Use additional forms, if necessary) (See Instructions) TFALL NO. | Proposed TYPE OF WASTE TYPE OF TREATMENT ☐ Replacement DESIGN FLOW Existing SEPTIE EFFLUENT SETTIC TAKE WITHERE 560 Gal/Day Expansion , If "Yes", Name of Receiving Waters REACE DISCHARGE Classification , Waters Index No. ☐ Yes X No BSURFACE DISCHARGE, If "Yes", Name of nearest Surface Water SOIL TYPE Distance Depth to Water Tabl 2,700Ft. UMMAMO TRIBUTARY TO QUALTR CREET SHALY SILT >10FT TFALL NO. Proposed TYPE OF TREATMENT ☐ Replacement DESIGN FLOW ☐ Expansion Existing SEPTICE TANK If "Yes", Name of Receiving Waters REACE DISCHARGE Classification , Waters Index No. No No 7 Yes BSURFACE DISCHARGE, If "Yes", Name of nearest Surface Water Distance SOIL TYPE Depth to Water Tabl Yes UNIVAMEN TRIBUT ARY TO QUAKER CREEK SHACY SILT LOAM 710FT Replacement TFALL NO. Proposed TYPE OF WASTE TYPE OF TREATMENT DESIGN FLOW ☐ Expansion ☐ Existing Gal/Day If "Yes", Name of Receiving Waters REACE DISCHARGE Classification . Waters Index No. ☐ Yes ☐ No BSURFACE DISCHARGE If "Yes", Name of nearest Surface Water SOIL TYPE Distance Depth to Water Tabl Ft. ☐ Yes ☐ No TFALL NO. | Proposed TYPE OF WASTE TYPE OF TREATMENT DESIGN FLOW ☐ Replacement ☐ Existing ☐ Expansion Gal/Day REACE DISCHARGE - , If "Yes", Name of Receiving Waters Classification, Waters Index No. ☐ Yes ☐ No BSURFACE DISCHARGE, If "Yes", Name of nearest Surface Water Distance SOIL TYPE Depth to Water Tabl Ft. ☐ Yes ☐ No TFALL NO. | Proposed TYPE OF WASTE TYPE OF TREATMENT DESIGN FLOW ☐ Replacement ☐ Existing ☐ Expansion Gal/Day If "Yes", Name of Receiving Waters LEACE DISCHARGE Classification , Waters Index No. ☐ Yes ☐ No ISURFACE DISCHARGE 11 "Yes", Name of nearest Surface Water Distance SOIL TYPE Depth to Water Tabl Ft. TYPE OF WASTE TYPE OF TREATMENT FFALL NO. Proposed ☐ Replacement DESIGN FLOW ☐ Expansion ☐ Existing Gal/Day FACE DISCHARGE If "Yes", Name of Receiving Waters Classification , Waters Index No. ☐ Yes ☐ No SURFACE DISCHARGE, If "Yes", Name of nearest Surface Water SOIL TYPE Depth to Water Tabl Distance Ft. ∃ Yes □ No TYPE OF WASTE FALL NO. Proposed TYPE OF TREATMENT DESIGN FLOW ☐ Replacement ☐ Expansion · ☐ Existing Gal/Day If "Yes", Name of Receiving Waters FACE DISCHARGE Classification , Waters Index No. ☐ Yes ☐ No SURFACE DISCHARGE If "Yes", Name of nearest Surface Water Distance SOIL TYPE Depth to Water Tabl Ft.] Yes ☐ No

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| PAGE_5 | OF _ 7 |

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) DISCHARGE PERMIT

OTHER CONDITIONS

GENERAL

This permit is issued under the provisions of Article 17 of the Environmental Conservation Law (ECL) and is further subject to the following additional conditions:

- 1. THAT the permit shall be maintained on file by the permittee.
- 2. THAT the permit is revocable or subject to modification or change pursuant to Article 17 of the ECL.
- 3. THAT issuance of this permit by the department and the receipt thereof by the applicant does not supersede, revoke or rescind an order of modification thereof on consent or determination by the Commissioner issued heretofore by the department or any of the terms, conditions or requirements contained in such order or modification thereof.
- 4. THAT all discharges authorized by this permit shall be consistent with the provisions, terms, requirements and conditions of this permit.
- 5. THAT facility expansions, production increases or process modification by the permittee which result in new or increased discharges or pollutants into the waters of the state shall be reported by the permittee by submission of a new SPDES application.
- 6. THAT the discharge of any pollutant not identified and authorized by this permit or the discharge of any pollutant more frequently than or at a level in access of that permitted by this permit shall constitute a violation of the terms of the permit.
- 7. THAT this permit may be modified, suspended or revoked where the department finds:
 - a. A violation of any terms of the permit;
 - b. That the permit was obtained by misrepresentation or failure to disclose fully all relevant facts, or:
 - c. A change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge.
- 8. THAT the facilities shall not receive or be committed to receive wastes beyond their design capacity as to volume and character of wastes treated, nor shall the facilities be changed or modified or otherwise altered as to type, degree or capacity of treatment provided, disposal of treated effluent, or treatment and disposal of separated scum, liquids, solids or combinations thereof resulting from the treatment process without prior written approval of the designated field office.
- 9. THAT the facilities shall be continuously operated and maintained to the satisfaction of the Commissioner and to comply with the Environmental Conservation Law and all applicable laws, ordinances, codes, rules and regulations.

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| PAGE 7 | OF _ 7 |

ADDITIONAL CONDITIONS - SUBSURFACE SYSTEMS

| The Final Effluent Limitation for this permit is a flow limit of <u>16.000</u> gal. | gallons per day. |
|---|------------------|
|---|------------------|

2. Monitoring, Recording and Reporting requirements: None

3. In accordance with the <u>Special Conditions - Proposed or Expanded Facilities</u>, the permittee shall obtain final approval of plans for the waste disposal facilities from the:

New York State Department of Environmental Conservation Regional Water Engineer Region 3 21 South Putt Corners Road New Paltz, NY 12561

New York State Department of Environmental Conservation Division of Regulatory Affairs 50 Wolf Road, Albany, New York 12233 - 1750



Langdon Marsh Acting Commissioner

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) Notice of Permit Continuation

DATE : 94/05/17

BLACK BEAR CAMP GROUND INC SPDES 014 4983 ORANGE Co.

DEC # not available

expiration date : 85/08/01

HOWARD SMITH (BLACK BEAR CAMPG PO BOX 82 FLORIDA , NY 10921

Dear Permittee:

You currently hold a SPDES permit authorizing you to discharge wastewaters to either surface or groundwaters of New York State. Our records show that your permit expired on the date indicated above. The Department will not process renewal applications authorizing discharges of small quantities of sanitary sewage in the foreseeable future. Consequently, the purpose of this notice is to continue your existing permit for an indefinite period or until the Department notifies you of another course of action.

As a reminder, your responsibilities remain as follows:

- Operate in accord with all of the conditions of your existing permit.
- Continue to abide with all laws, regulations and standards governing your discharge.
- Pay, or follow prescribed procedures for challenging, the Regulatory Fee bill you will receive
- Notify the Regional Permit Administrator, at the address below, of any change in mailing address. You must also file a Request for Permit Transfer form if you wish to transfer the permit to a new owner.
- Apply for a modification of your permit if you plan to change the quantity or characteristics of the discharge beyond that currently authorized.

Inquiries concerning your permit or requests to obtain forms for transferring or modifying your permit should be directed to the Regional Permit Administrator (or County Health Department in some instances) at the following address:

NYSDEC REGION 3 21 S PUTT CORNERS RD NEW PALTZ , NY 12561-1696 Phone (914) 255-5453

Please attach this page to your current permit.

George A. Danskin

Chief Permit Administrator

Regional Permit Administrator - Region 3 'Regional Water Engineer - Region 3

cc:

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION 202 Mamaroneck Avenue, White Plains, New York 10601



July 31, 1980

Jerome L. Strauss, P.E. Dugway Road Accord, New York 12404

Re: SPDES PERMIT - Black Bear Camp Ground, Inc.
(T) Warwick
Orange County

Dear Sir:

Enclosed for your use is an executed State Pollutant Discharge Elimination System (SPDES) Permit for the above project. Please read the entire permit so that you are aware of the various conditions contained in it.

The following items are of special interest:

- 1. Final Effluent Limitations
 These are the effluent conditions that your disposal system will be required to meet.
- Monitoring, Recording and Reporting
 Your attention is directed to the offices to which
 reports are to be submitted.

If you have any questions, please call the writer or your local County Health Department.

Very truly yours,

Peter M. Doshna, P.E. Senior Sanitary Engineer

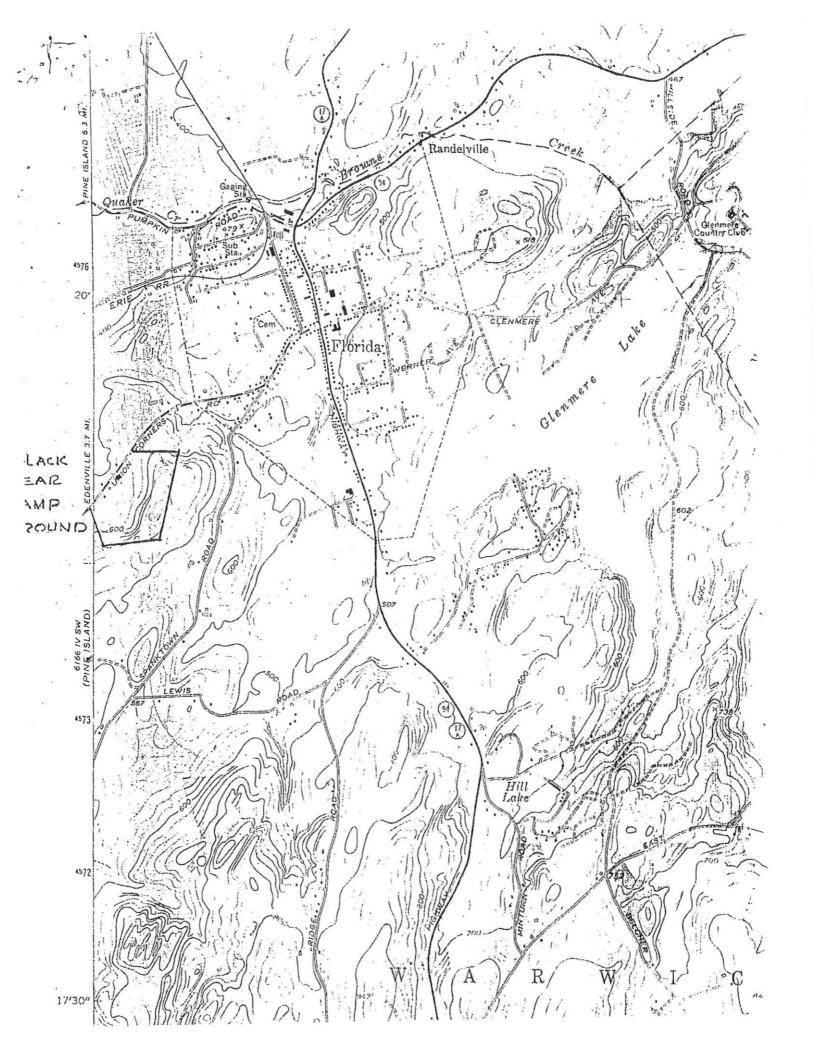
PMD:mbw Enclosure

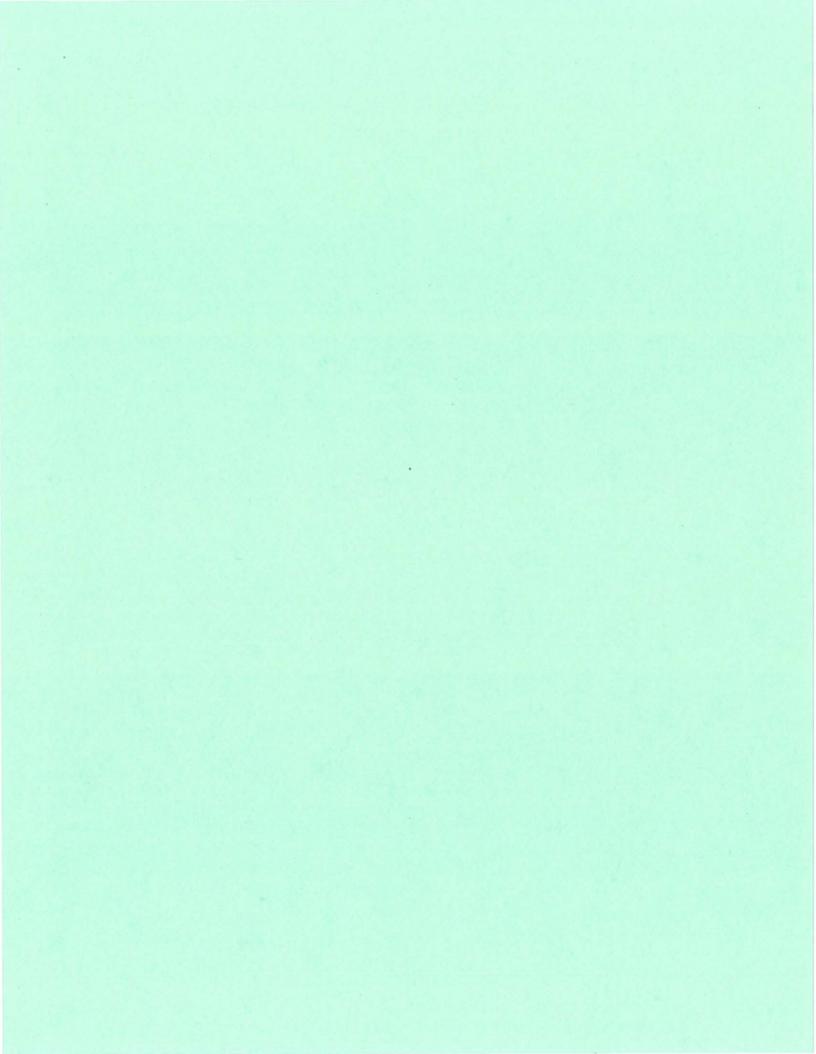
APPLICATION FORM "D" FOR A STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMIT (Becomes A SPDES Permit When Signed By Permit Issuing Official)

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|---|---------------------------------|--|-------------------|--|
| ICATION TYPE IF RENEWAL, GIVE PREVIOUS NO | | | | |
| New Renewal NY- | | | | |
| ER'S NAME (Corporate, Partnership or Individual) | | TYPE OF OWNERSHIP | | The state of the s |
| Howard Smith & John Seekamp | | ☐ Corporate ☐ | Individual DPa | irtnership Pu |
| ER'S MAILING ADDRESS (Street, City, State, Zip Code) | | | | |
| Wheeler Road, Florida, New York 10921 | | | | |
| R ALL CORRESPONDENCE TO: (Name, Title and Address) | | | 1 | (Include Area C |
| Jerome L. Strauss, PE Dugway Rd. Accord, New | | | | 26-0689 |
| | | ON (Street or Road) | CITY, TOWN OR | VILLAGE |
| Black Bear Camp Ground, Inc. | Wheeler Ro | oad | Town of W | arwick |
| NTY GIVE EXPLICIT DIRECTIONS TO LOCATION | | | n | |
| Orange Adjacent to Village of F | Florida, M. | Y. 10921 | DIN ATION CERVE | D /5 I I I I |
| URE OF BUSINESS OR TYPE OF FACILITY | | | | D (See Instruction |
| Recreation Trailor and Motor Home Camp | | | 222 average | |
| Il Year? Yes No If "No", Specify No. of Months 8 | All Week? F | ✓ Yes □ No If "No". Sne | cify No. of Dave | |
| S YOUR DISCHARGE CONTAIN OR IS IT POSSIBLE FOR YOUR DISCHARGE TO C | | | | |
| R OPERATIONS, ACTIVITIES OR PROCESSES? | | | | |
| | | Chromium Copper | Cyanide | ar-rows a branchi |
| Grease Lead Mercury Nickel | | Phenois Selenium | ☐ Zinc ☐ | X None of These |
| CHARGE DATA (Use additional forms, if necessary) (See Instructions) | | | | |
| FALL NO. Proposed Replacement TYPE OF WASTE | | TYPE OF TREATMENT | | DESIGN FLOW |
| □ Existing □ Expansion Sanitary | | Septic tank & lea | ach field | 400 Gal. |
| ACE DISCHARGE If "Yes", Name of Receiving Waters | Classifica | tion Waters Index No. | | |
|] Yes DO No | | | | |
| SURFACE DISCHARGE If "Yes", Name of nearest Surface Water | Distance | SOIL TYPE | \$ | Depth to Water ? |
| ₹ Yes □ No | 1 6000 | FI. Gravel, traces | of clay | over 10 |
| FALL NO. Proposed Replacement TYPE OF WASTE | | TYPE OF TREATMENT | | DESIGN FLOW |
| 2 Existing Expansion Sanitary | | Septic tank & lea | ach field | 7000 Gal. |
| ACE DISCHARGE If "Yes", Name of Receiving Waters Yes (X) No | Classifica | tion Waters Index No. | | |
| JURFACE DISCHARGE, If "Yes", Name of nearest Surface Water | Distance | SOIL TYPE | | Depth to Water 1 |
| ¥Yes □ No Quaker Creek | 6000 | FI. Gravel, traces | of clay | over 10 f |
| FALL NO. Proposed Replacement TYPE OF WASTE | | TYPE OF TREATMENT | , or cray | DESIGN FLOW |
| 3 ☐ Existing ☐ Expansion Sanitary | | Septic tank & le | ach field | 200 |
| ACE DISCHARGE If "Yes", Name of Receiving Waters | Classifica | lion , Waters Index No. | acii i i e i d | 000 Gal |
|) Yes X No | Ciassifica | maters muex No. | | |
| URFACE DISCHARGE If "Yes", Name of nearest Surface Water | Distance | SOIL TYPE | | Depth to Water |
| 1 Yes TINO | | Fi. Gravel, traces | of clay | over 10 f |
| I hereby affirm under penalty of perjury that information provided on this form | | The state of the s | | |
| se statements made herein are punishable as a Class A misdemeanor pursuant | | [하기] - [10] [10] [10] [10] [10] [10] [10] [10] | o me best of my k | mowiedge and ner- |
| .ICANT'S SIGNATURE (See Instructions) Date Printed Name | | Title | | |
| 1 1 0 10 . | when Sm | 67.54 | - TREDS: | |
| PERMIT VALIDATION SECTION | WHEN SIN | APPLICATION NO. | | |
| (Department of Environmental Conservation Use Only) | | | 1983 | |
| | | EFFECTIVE DATE | I EXPIRATI | ON DATE |
| This SPDES permit is issued in compliance with Title 8 of Article 17 of | | tal . | 1 | st 1, 1985 |
| nservation Lay of New York State and in compliance with the provisions of lution Control Act, as amended by the Federal Water Pollution Control A | | | I Augus | sc 1, 1707 |
| 2, P.L. 92-109, October 18, 1972 (33 U.S.C. §1251 et. seq.) (hereinafter r | | he | | |
| "), and subject to the attached conditions. | 1 | l. Locatio | | |
| 1 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | 3/ Sn | 2. Other C | Conditions | |
| Signature of Permit Issuing Official | Dale | | | |
| to Type Viyne SIC Code # Out Dis CARD Region County Majo | | net CARD Latitude | 1.ongtltude | CARDILIB |
| fet fown Falls folked - | n Bashi Area | | | 109 |
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| 9-1 (9/76) | | | | |

"APPLICATION FORM "D" FOR A STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMIT (Becomes A SPDES Permit When Signed By Permit Issuing Official)

| EASE PRINT OR TYPE) | |
|--|--|
| LICATION TYPE IF RENEWAL, GIVE PREVIOUS NO. | * * * * |
| New □ Renewal NY- | |
| NER'S NAME (Corporate, Partnership or Individual) | TYPE OF OWNERSHIP |
| See Page I for this information | ☐ Corporate ☐ Individual ☐ Partnership ☐ P |
| NER'S MAILING ADDRESS (Street, City, State, Zip Code) | |
| The state of the s | N. Testephone voya |
| ER ALL CORRESPONDENCE TO: (Name, Title and Address) | TELEPHONE NO. (Include Area |
| CILITY NAME (FACILITY LOCA | ATION (Street or Road) CITY, TOWN OR VILLAGE |
| Black Bear Camp Ground, Inc. | CITY TO WIT ON VILLAGE |
| UNTY GIVE EXPLICIT DIRECTIONS TO LOCATION, IF NECESSAL | RY |
| | |
| TURE OF BUSINESS OR TYPE OF FACILITY . | POPULATION SERVED (See Instruction |
| • | |
| QUENCY OF DISCHARGE | The second secon |
| | Yes No If "No", Specify No. of Days |
| IES YOUR DISCHARGE CONTAIN OR IS IT POSSIBLE FOR YOUR DISCHARGE TO CONTAIN ONE UR OPERATIONS, ACTIVITIES OR PROCESSES? | OR MORE OF THE FOLLOWING SUBSTANCES ADDED AS A RESULT $lpha$ |
| Please Check: Aluminum Ammonia Beryllium Cadmium Chlorine | ☐ Chromium ☐ Copper ☐ Cyanide |
| ☐ Grease ☐ Lead ☐ Mercury ☐ Nickel ☐ Oil | Phenols Selenium Zinc None of These |
| CHARGE DATA (Use additional forms, if necessary) (See Instructions) | |
| TFALL NO. [7] Proposed Replacement TYPE OF WASTE | . TYPE OF TREATMENT DESIGN FLOW |
| 4 Existing Expansion Sanitary | Septic tank & leach field 110 Ga. |
| The state of the s | cation Waters Index No. |
| Yes X No | |
| SSURFACE DISCHARGE II "Yes", Name of nearest Surface Water Distance | |
| ≥ Yes □ No Quaker Creek 6000 | |
| TFALL NO. Proposed Replacement TYPE OF WASTE | TYPE OF TREATMENT DESIGN FLOW |
| | Gal |
| RFACE DISCHARGE If "Yes", Name of Receiving Waters ☐ Yes ☐ No Classifi | cation Waters Index No. |
| 3SURFACE DISCHARGE, If "Yes", Name of nearest Surface Water Distance | e SOIL TYPE Depth to Water |
| ☐ Yes ☐ No | Ft. |
| TFALL NO. Proposed Replacement TYPE OF WASTE | TYPE OF TREATMENT DESIGN FLOW |
| ☐ Existing ☐ Expansion | Gal |
| FACE DISCHARGE If "Yes", Name of Receiving Waters ,Classifi | cation , Waters Index No. |
| ☐ Yes ☐ No | STEEDSTAND TO ANNOUNCE STAND TO ANNOUNCE STAND AND AND AND AND AND AND AND AND AND |
| ISURFACE DISCHARGE, If "Yes", Name of nearest Surface Water Distance | e SOIL TYPE Depth to Water |
| ☐ Yes ☐ No | Ft. |
| I hereby affirm under penalty of perjury that information provided on this form and any atta | ched supplemental forms is true to the best of my knowledge and be |
| lse statements made herein are punishable as a Class A misdemeanor pursuant to Section 21 | |
| *LICANT'S SIGNATURE (See Instructions) Date Printed Name | Title |
| Howard Smill 3-4-80 HOWARD SMIT | |
| PERMIT VALIDATION SECTION (Department of Environmental Conservation Use Only) | APPLICATION NO. |
| (Department of Environmental Conservation 034 Only) | NY - 0144983 |
| This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environment | |
| onservation Law of New York State and in compliance with the provisions of the Federal W | |
| Dilution Control Act has amended by the Federal Water Pollution Control Act Amendment 172, P.L. 92,500, Orlober 18, 1972 (33 U.S.C. § 1251 et. seq.) (hereinafter referred to as | 14.0 |
| ct''), and subject to the attaches conditions. | T. Location hap |
| 1 th Washing 7/3/150 | 2. Other Conditions |
| Signature of Permit Issuing Official Date | |
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| a Ust Own Falls Class o Bash Bash Are | |
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| 19.1 70727 | |





From:

"Sims, Ed" <ESims@orangecountygov.com>

To:

"'Manju Cherian'" <mxcheria@gw.dec.state.ny.us>

CC:

"Moore, Greg" <GMoore@orangecountygov.com>, "Graziano, John" <JGraziano@...

Date:

6/7/13 4:00 PM

Subject:

RE: Black Bear Campground, Town of Warwick

Manju,

We are planning to have someone go there next week, but the time has not been set yet. We will let you know. The site is rather large, not sure what their total flow is.

Ed Sims Orange County Health Dept. 124 Main St. Goshen, NY 10924

845-291-2331 Main Line 845-291-2471 Direct w/voice mail 845-291-4078 Fax

----Original Message----

From: Manju Cherian [mailto:mxcheria@gw.dec.state.ny.us]

Sent: Friday, June 07, 2013 3:47 PM

To: Sims, Ed

Cc: Moore, Greg; Graziano, John

Subject: RE: Black Bear Campground, Town of Warwick

Hi Ed, we can have an inspector join you in the field. Please let me know when. Have you received any sewage plans? I think DOH would review the plans for the subsurface systems until the 10,000 gpd cumulative flow amount was reached. DEC would review plans for the outfalls after that threshold was triggered. However, it seems all of this needs to be addressed in an NOV and potential enforcement action.

Manju

>>> "Sims, Ed" <ESims@orangecountygov.com> 5/30/13 10:56 AM >>>

Hi Manju,

Have you had a chance to review this matter yet? Just following up. We will reach out to Mike Sandor to see if he has any up to date sewage plans.

Ed Sims Orange County Health Dept. 124 Main St. Goshen, NY 10924

845-291-2331 Main Line 845-291-2471 Direct w/voice mail 845-291-4078 Fax

----Original Message----

From: Sims, Ed

Sent: Wednesday, May 15, 2013 8:58 AM

To: 'Manju Cherian'

Cc: Moore, Greg; Graziano, John Subject: RE: Black Bear Campground, Town of Warwick

Manju,

Perhaps you would like to come to our office for a meeting, then a field visit could be performed? The Town of Warwick Bldg. Inspector is also interested and you may want to meet with him also. We have already issued an operating permit for the "Temporary Residence" for 2013, but there are aspects of the site that do not meet our Code definitions and the Building Inspector is having similar problems. The sewage system(s) are the primary concern right now. We could also reach out to Mike Sandor to see if he has more recent sewage plans since it seems like he may have been the engineer involved most recently. Let me know if you would like us to contact Mr. Sandor.

Ed Sims Orange County Health Dept. 124 Main St. Goshen, NY 10924

845-291-2331 Main Line 845-291-2471 Direct w/voice mail 845-291-4078 Fax

----Original Message----

From: Manju Cherian [mailto:mxcheria@gw.dec.state.ny.us]

Sent: Tuesday, May 14, 2013 4:46 PM

To: Sims, Ed

Cc: Moore, Greg; Graziano, John

Subject: RE: Black Bear Campground, Town of Warwick

Hi Ed, we have a plan approval letter from September 1980. The letter is attached. Other than that, we don't have any other plan approval. It appears this plan approval was for two outfalls, 3 and 4. It appears 1 and 2 already existed. The SPDES permit issued in July 1980 was for these 4 outfalls. Attached is the SPDES application/Engineering Report for these 4 outfalls. We also have the plans consisting of 2 sheets.

Over the years, it seems they replaced and/or added new outfalls without any plan approval. In December 2007, DEC received an application for a permit modification. The outfalls and flows for outfalls 1 - 4 are completely different than the original 1980 SPDES application. Attached is the SPDES application/Engineering Report for the current outfalls.

Please let me know how you would like to proceed.

Manju

>>> "Sims, Ed" <ESims@orangecountygov.com> 5/14/13 2:02 PM >>> Hi Manju,

We still have questions, we were waiting for your return. We don't have the approved sewage plans, hopefully you do. If so, would you be able to have a copy sent to us? We need to confirm that they have capacity for their current usage. We have met with the Town of Warwick and neither of us seem to have records of the approved sewage systems or treatment plant. There weren't signs of failure on site, but they have expanded over the years without approvals from either our office or the Town of Warwick. If you do not have plans, we may want to meet at the site to determine how to proceed further.

Ed Sims
Orange County Health Dept.
124 Main St.
Goshen, NY 10924

845-291-2331 Main Line 845-291-2471 Direct w/voice mail 845-291-4078 Fax

----Original Message----

From: Manju Cherian [mailto:mxcheria@gw.dec.state.ny.us]

Sent: Tuesday, May 14, 2013 1:27 PM

To: Sims, Ed

Cc: Moore, Greg; Graziano, John

Subject: RE: Black Bear Campground, Town of Warwick

Hi Ed, did you need anything further on this campground or were all your questions answered?

Manju

>>> Adedayo Adewole 4/30/13 3:34 PM >>> Ed.

Please find attached a copy of the SPDES permit.

Dayo

>>> Shohreh Karimipour 4/30/2013 3:13 PM >>> Ed,

- -Dayo can send you a copy of the permit.
- -I didn't see a set of new plans in the files and it does not show in our database.
- -We can arrange for a joint inspection if necessary.

It would be great if this could wait for Manjuj's return. She may have more information on the plant expansion and she would be the one to arrange for site visit, unless there is an urgent matter that need to be attended immediately. Thank you.

Shohreh

>>> "Sims, Ed" <ESims@orangecountygov.com> 4/30/2013 9:10 AM >>>
Thank you. Could we get a copy of the SPDES by email? If you're able to come up with any plan approvals that would help also. This is a fairly large operation that has grown over many years of operation, it may be worthwhile for Dayo or someone from your office to visit along with someone from our office and the Town of Warwick.

Ed Sims
Orange County Health Dept.
124 Main St.
Goshen, NY 10924
845-291-2331 Main Line
845-291-2471 Direct w/voice mail
845-291-4078 Fax

From: Shohreh Karimipour [mailto:sxkarimi@gw.dec.state.ny.us]

Sent: Monday, April 29, 2013 5:46 PM

To: Sims, Ed

Cc: Adedayo Adewole; Manju Cherian; Moore, Greg; Graziano, John

Subject: Re: Black Bear Campground, Town of Warwick

Hi Ed.

Manju is out for a couple of weeks. I did a quick check on the permit of the referenced facility. Our records indicate submission of an application in Nov. 2007 and permit issuance in 2008, valid until March 2018. If you have any questions on the details of the permit, Dayo Adewole should be able to help in Manju's absence.

I hope this helps. Thank you.

Shohreh

Shohreh Karimipour, P.E. Regional Water Engineer

NYSDEC - Region 3 DOW

100 Hillside Avenue, Suite 1W White Plains, NY 10603-2860

White Plains Sub-Office:
phone (914) 428-2505 X 350
fax (914) 428-0323
New Paltz Sub-Office:
Phone (845) 256-3179
Fax 845-255-3414
>>> "Sims, Ed" <ESims@orangecountygov.com> 4/29/2013 3:36 PM >>>

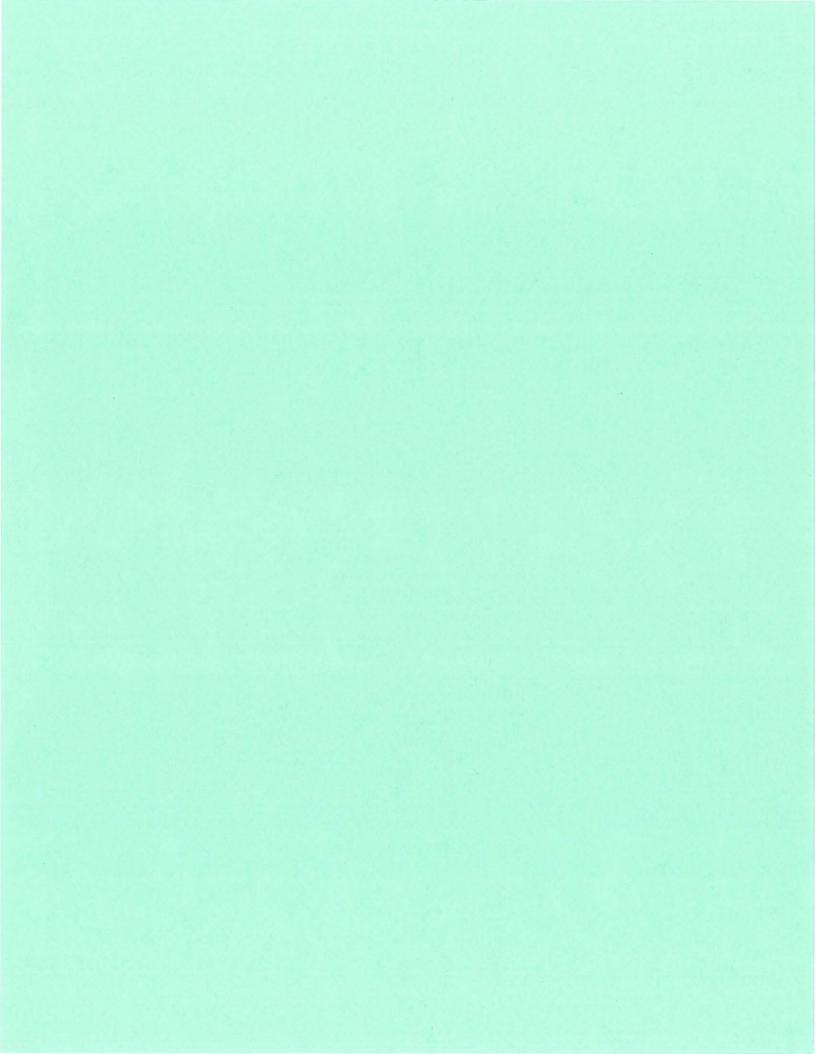
Hi Shohreh,

Our office has been involved with regulating the on-site water supply at Black Bear Campground for many years. It is located just south of the Village of Florida. We also have some partial records of rather old sewage disposal approvals, but this facility has apparently expanded over the years and we cannot locate evidence of recent sewage approvals or SPDES permits. We would appreciate any assistance that your office could provide. We met with the Town of Warwick Bldg. Inspector's office this morning and they are also short on any records of the needed approvals. It seems that enforcement actions may be necessary unless your office has records of up to date approvals for their sewage.

If you need more information, please email or call.

Thanks,

Ed Sims Orange County Health Dept. 124 Main St. Goshen, NY 10924



MJS ENGINEERING & LAND SURVEYING, PC

MJS Engineering & Land Surveying, PC 261 Greenwich Ave. Goshen, NY 10924 Office: 845-291-8650 Fax: 845-291-8657

070138.04

27 July 2013

Mr. Edwin Sims, PE. Acting Director of Env. Health Orange County Department of Health 124 Main Street Goshen, NY 10924

RE: Black Bear Campground - 197 Wheeler Road

Town of Warwick

Dear Mr. Sims:

Pursuant to our conversation on Friday July 26, 2013, please note that Mr. Howard Smith of Black Bear Campground has completed the following remediation of the septic systems as outlined in correspondence both from your department and the New York State Department of Environmental Conservation (NYSDEC). Specifically, the following items have been addressed:

1. Discharge to the surface in the vicinity of the laundry:

The laundry area as shown on the attached plan appears to be a system that was originally approved in the 1980s and issued a SPDES Permit on July 31, 1980. It also serves seven campground spaces (L, M, N, O, P, Q, and R) and the laundry. A few years back the campground routed the laundry waste and placed it into a seepage pit. According to our conversations, untreated effluent was found to be discharging to the surface. In order to remediate this situation, the campground routed that discharge directly into the septic system which was originally designed to service this building. The seepage pit is no longer functioning and there is no longer discharge to the surface.

2. Septic System Encroachment onto Property Owned by Neeman (8-2-26.52):

A few years back it was noticed that units E. F. G. H. I. J and K, were having trouble discharging into the collection system. The campground decided to install a new septic tank and leaching chambers to treat the effluent.

Mr. Edwin Sims, PE, Director Orange County Health Department 26 July 2013

It was verified that this system was mistakenly installed on the neighboring Neeman property. Working with the campground staff, it was ascertained that the original collection system (for which a SPDES permit has been issued) was crushed just before it crossed the road. In order to eliminate the encroachment of the septic system, it would be a simple fix to reconnect these units back their original configuration so that the sewage is discharged to its original treatment system located on the camp property.

3. Cracked Effluent Pipe Vicinity of Outfall #11:

The disposal system for Outfall 11 has had its effluent pipe repaired.

This work was completed by 4:00PM on Friday, July 26, 2013, and pursuant to our meeting earlier that morning.

If you have any additional questions, do not hesitate to contact me.

Very truly yours.

MJS Engineering & Land Surveying, PC

Michael J. Sandor, PE President

MJS/kg Enc.

ce: Howard Smith

Alan Lipman, Esq.

Mr. Edwin Sims, PE, Director Orange County Health Department 26 July 2013



Photo #1 Laundry connecter to septic tank.

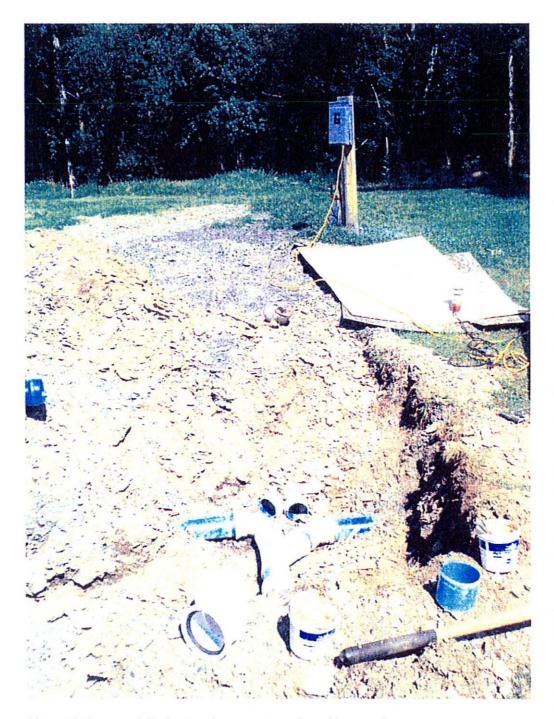


Photo #2 Rerouted Collection System Away from Neeman Property.

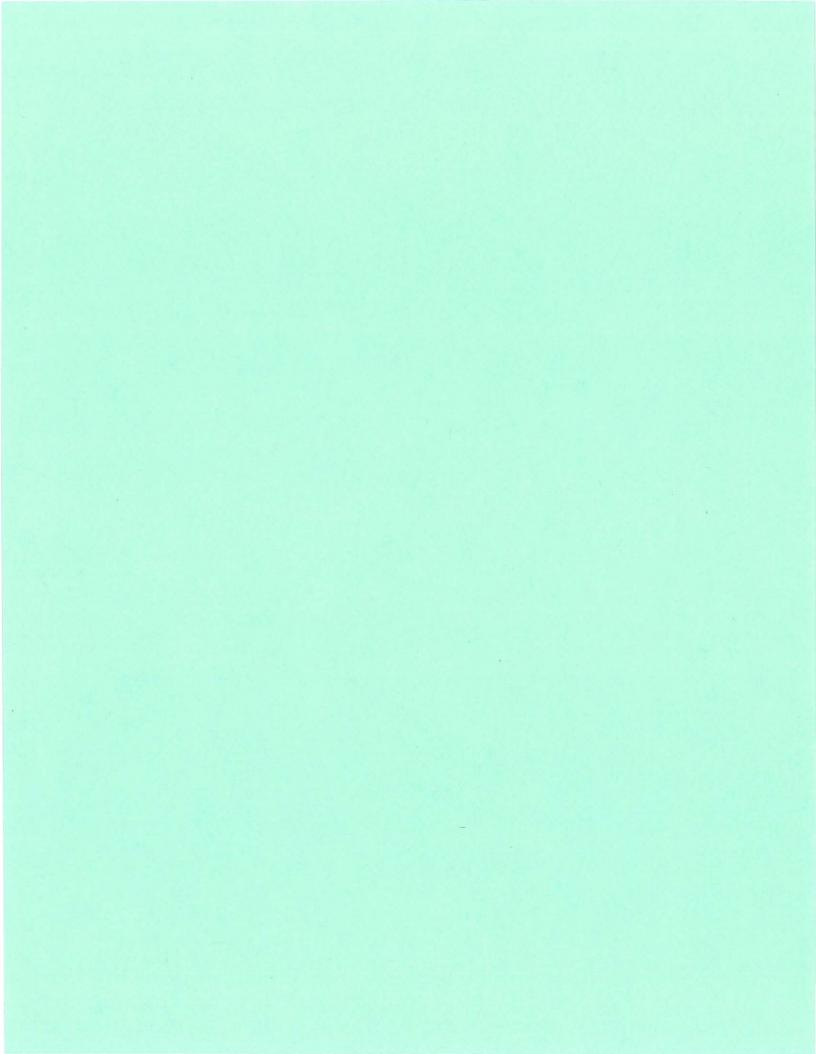


Photo # 3 Re-routed collection System Back to Original Road Crossing.

Mr. Edwin Sims, PE, Director Orange County Health Department 26 July 2013



Photo # 4 Repaired Collection System Vicinity Outfall 11.



MJS ENGINEERING & LAND SURVEYING, PC

MJS Engineering & Land Surveying, PC 261 Greenwich Ave. Goshen, NY 10924 Office: 845-291-8650 Fax: 845-291-8657

070138.04

29 July 2013

Mr. Edwin Sims, PE Acting Director of Environmental Health Orange County Department of Health 124 Main Street Goshen, NY 10924

RE: Black Bear Campgrounds SPEDES #NY 0144938 RECESVED

AUG 7 2013

NYSUEL-KEGLONG WHITE PLAINS OFF

Dear Mr. Sims:

I would like to specifically address the letter issued by the New York State Department of Environmental Conservation (NYSDEC), dated July 11, 2013, as it relates to the various issues at the Black Bear Campgrounds site. I would like to address the issues outlined in the letter as follows:

- 1. The letter refers the disposal system for Outfall #13 as being located outside of the Black Bear Campgrounds property. Please note that this particular issue is addressed in my letter of July 27, 2013, and, in particular, that the flow has been completely shut off to this system and has been redirected to an approved SPEDES permitted location. Outfall 13 is located in the vicinity of the laundry building. We are working the regional water engineer to have an approved Closure Plan so that the system can be completely removed (See separate correspondence dated July 31, 2013). However, please note that this system was erroneously identified in the July 11, 2013 letter as "Outfall 13," when, in fact, it is not listed at all in the SPEDES permit.
- 2. The reference to the disposal system Outfall #11 and its cracked influent pipe is addressed in my letter of July 27, 2013. That issue has been addressed and the pipe has been repaired.
- 3. The remediation of collection system for Outfall #11 would be to bury these pipes, mound over the pipes, or a combination of the two (with thermal insulation) so that the collection system is buried and meets design standards. I must get confirmation as to when the work can be done on this item.

Mr. Edwin Sims, PE Orange County Department of Health 29 July 2013

We are providing a Record Drawing of the various collections systems and outfall points mapped to date. The existing systems are located based on visual surface evidence only. We have also transmitted a Closure Plan to the regional water engineer for her review.

The references to "Construction and Fire Safety" in your letter of June 26, 2013 will be addressed as soon as possible and when we meet with you.

In order to provide short term/ long term corrective action for the septic, we need to meet with you to review the scope of your required review and to develop a viable timetable. Please note that we know of no areas that are discharging untreated septic to the surface of the ground.

Please let me know when it would be convenient to meet with you.

Very truly yours,

MJS Engineering & Land Surveying, PC

Michael J. Sandor, PE

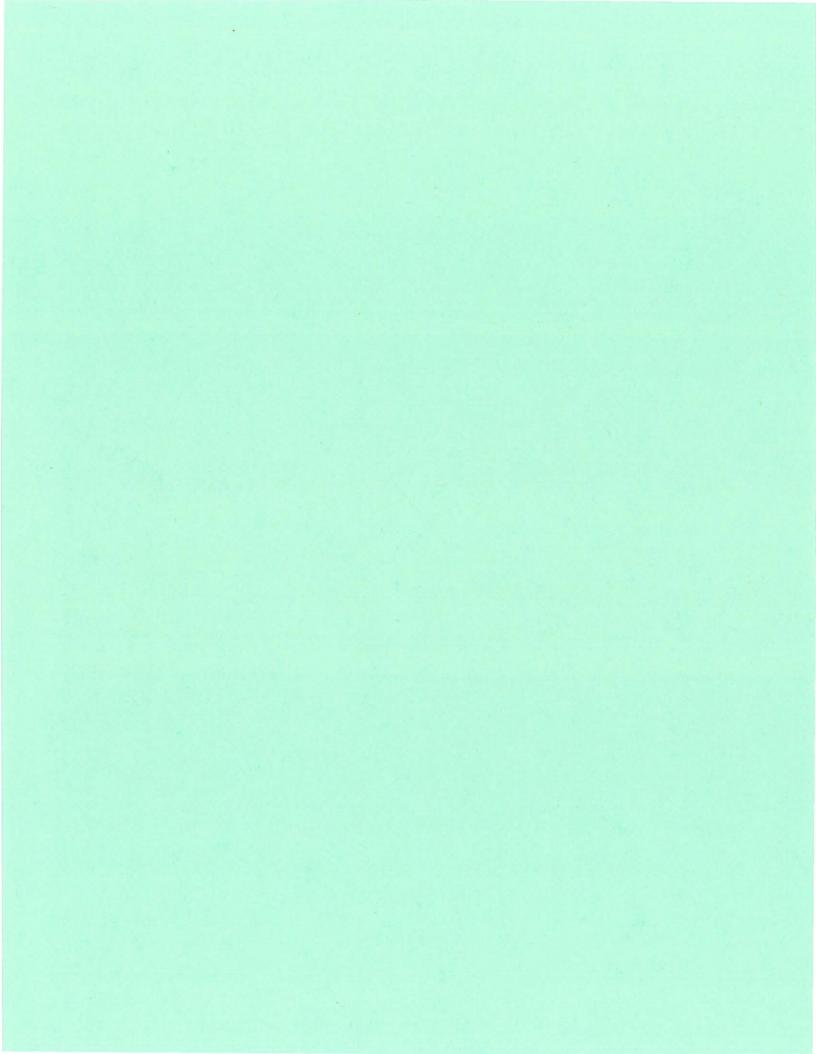
Président

MJS/kg Enc.

cc: Howard Smith

Manju Cherian, PE

Alan Lipman, Esq. 4



MJS ENGINEERING & LAND SURVEYING, PC

MJS Engineering & Land Surveying, PC 261 Greenwich Ave. Goshen, NY 10924 Office: 845-291-8650 Fax: 845-291-8657

070138.04

31 July 2013

Mr. Shohreh Karimipour Regional Water Engineer NYS Dept of Environmental Conservation 100 Hillside Avenue, Suite 1W White Plains, NY 10603-2860

RE:

Black Bear Campground SPDES # NY 0144938 Town of Warwick, Orange County, New York MYSUCK REGION:
VHTTE PLAINS OFFICE

Dear Mr. Karimipour:

We received a copy of a letter that was sent to Black Bear Campground dated July 11, 2013, which requested the owner to provide the department with a Closure Plan for the septic system constructed on an adjacent property (Neeman), behind Site G, as shown on the attached plan.

I visited the site and verified that the septic system has been mistakenly constructed on the adjacent property. Now that the system is not receiving effluent, we formally request a Closure Plan approval so the system can be completely removed from the property. The re-routing of the collection system has been completed so the effluent now goes to an approved location (See letter to the Orange County Health Department dated 7/27/2013). This system was not part of the SPDES permit issued for this property, but was a system that was mistakenly installed on a neighboring property. As of July 27, 2013, the flow to this system was redirected to the Outfall approved under the SPEDES permit for this property.

Closure Plan Procedures:

- 1. Obtain permission to go on the property and conduct the removal.
- 2. Completely pump out the 1000 gallain septic tank utilizing a licensed hauler.
- Completely remove the septic tank and distribution lines which we understand to be two leaching chambers.
- 4. Remove all components completely.
- 5. Replace all removed components with clean, fill.
- 6. Provide topsoil, seed, and stabilize with mulch.

Mr. Shohreh Karimipour Regional Water Engineer NYS Dept of Environmental Conservation 31 July 2013

We believe that if properly followed, this procedure will be satisfactory.

We will await your approval of this Closure Plan.

If you have any questions or require additional information, do not hesitate to contact our office.

Very truly yours,

MJS Engineering & Land Surveying, PC

Michael/J/Sandor, PE

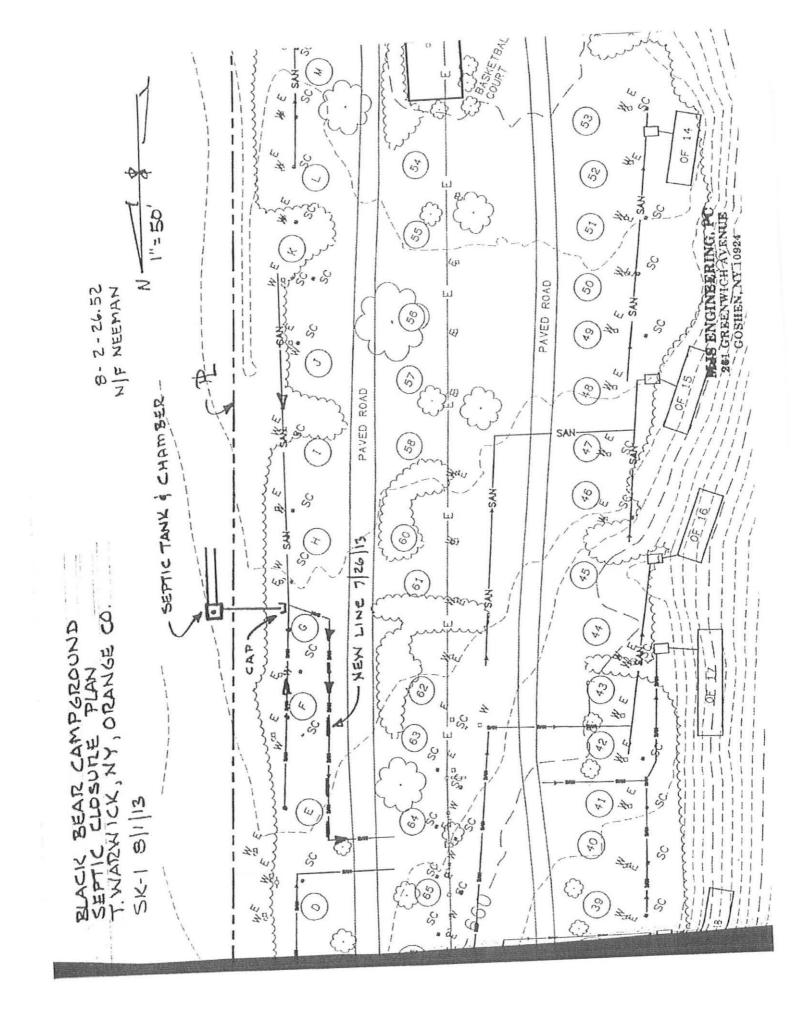
President MJS/kg

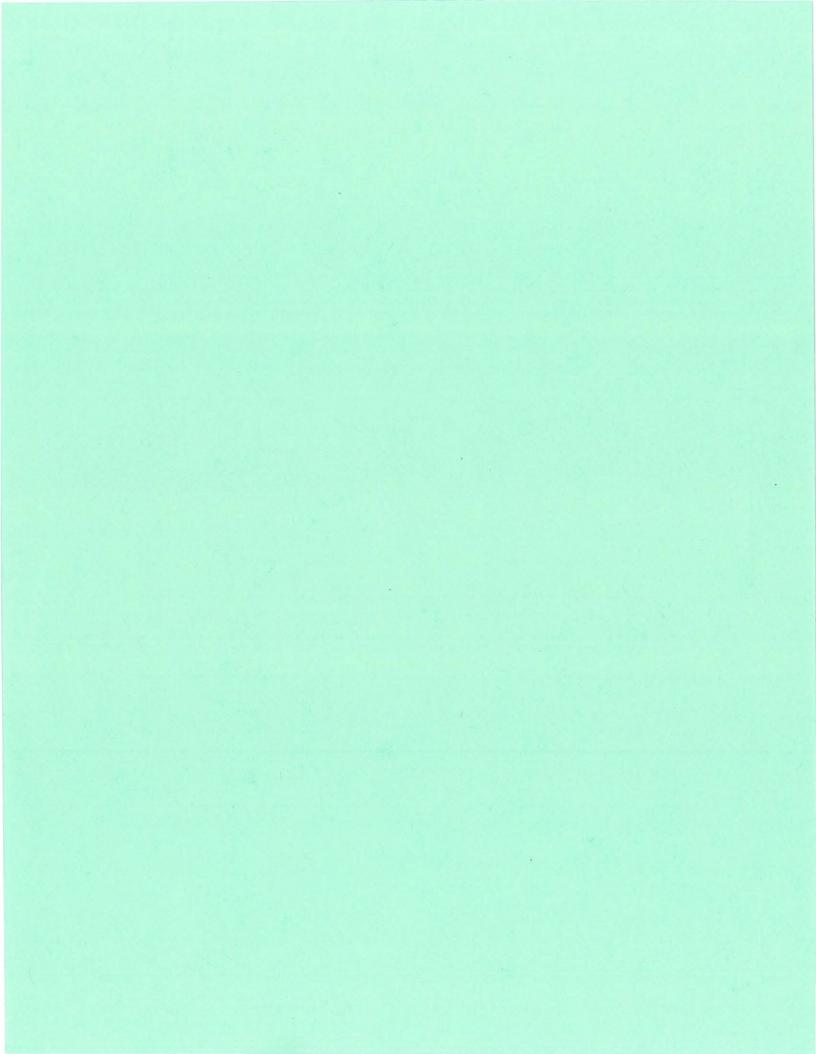
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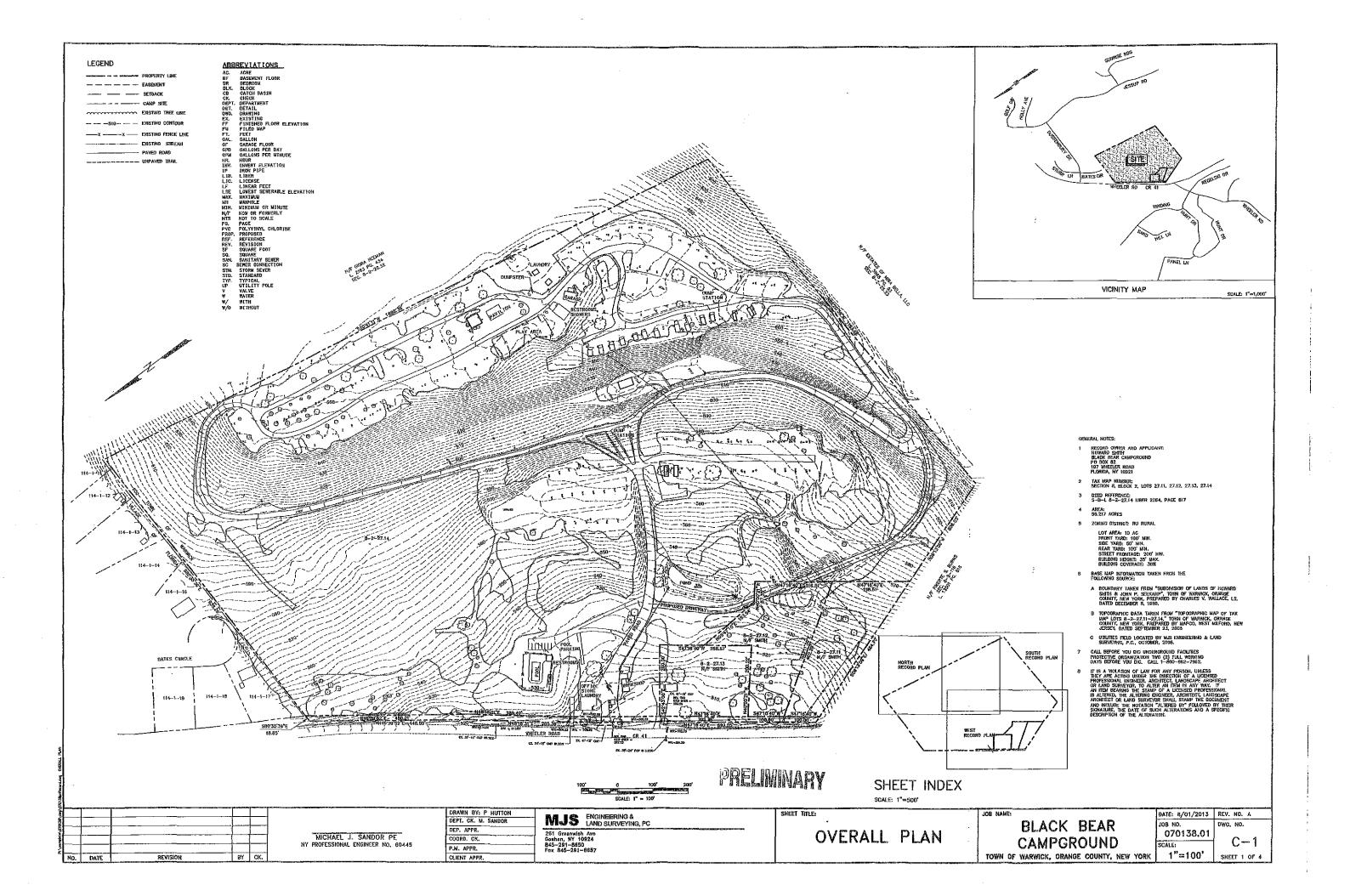
cc: Howard Smith

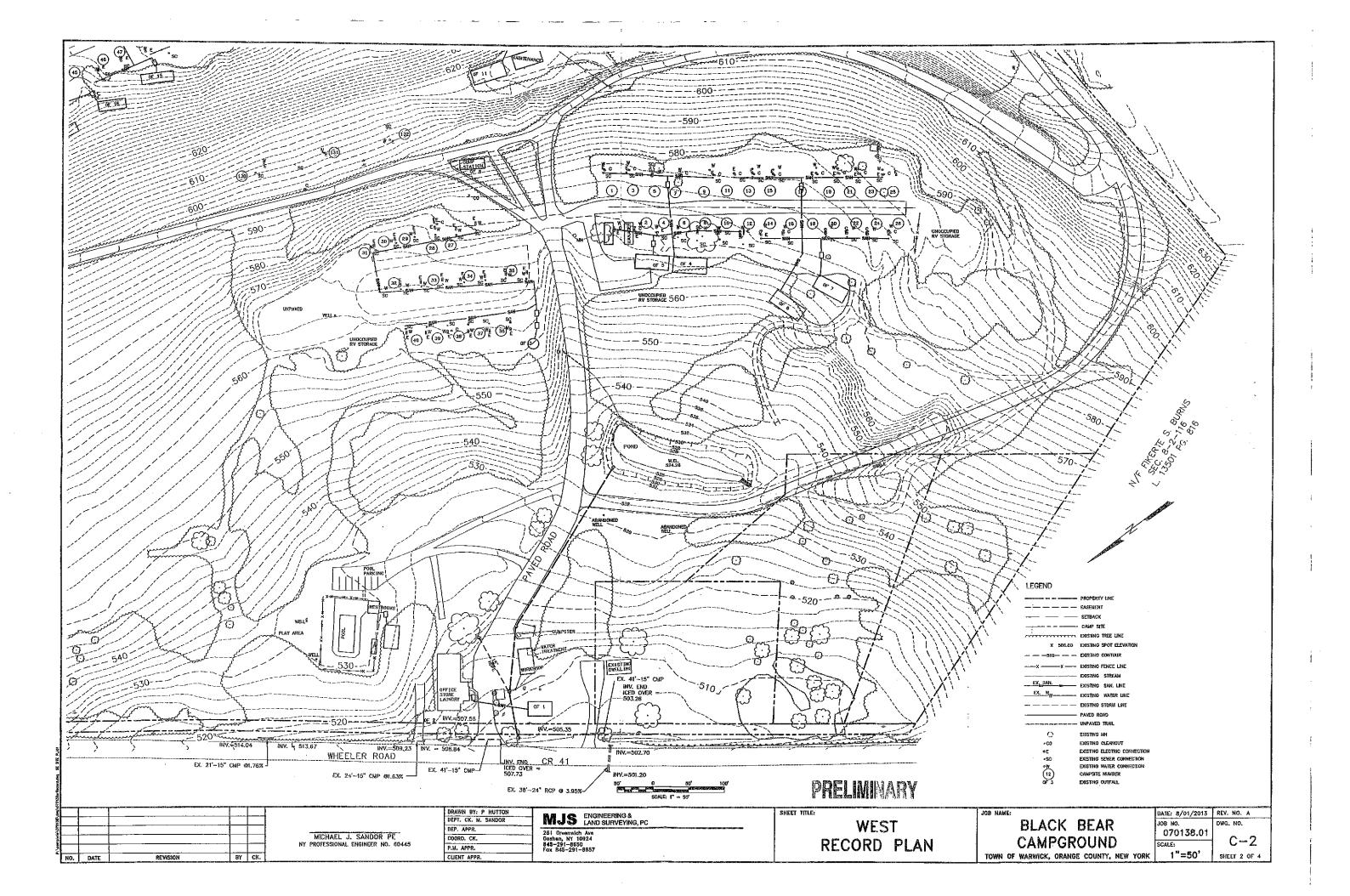
Alan Lipman, Esq.

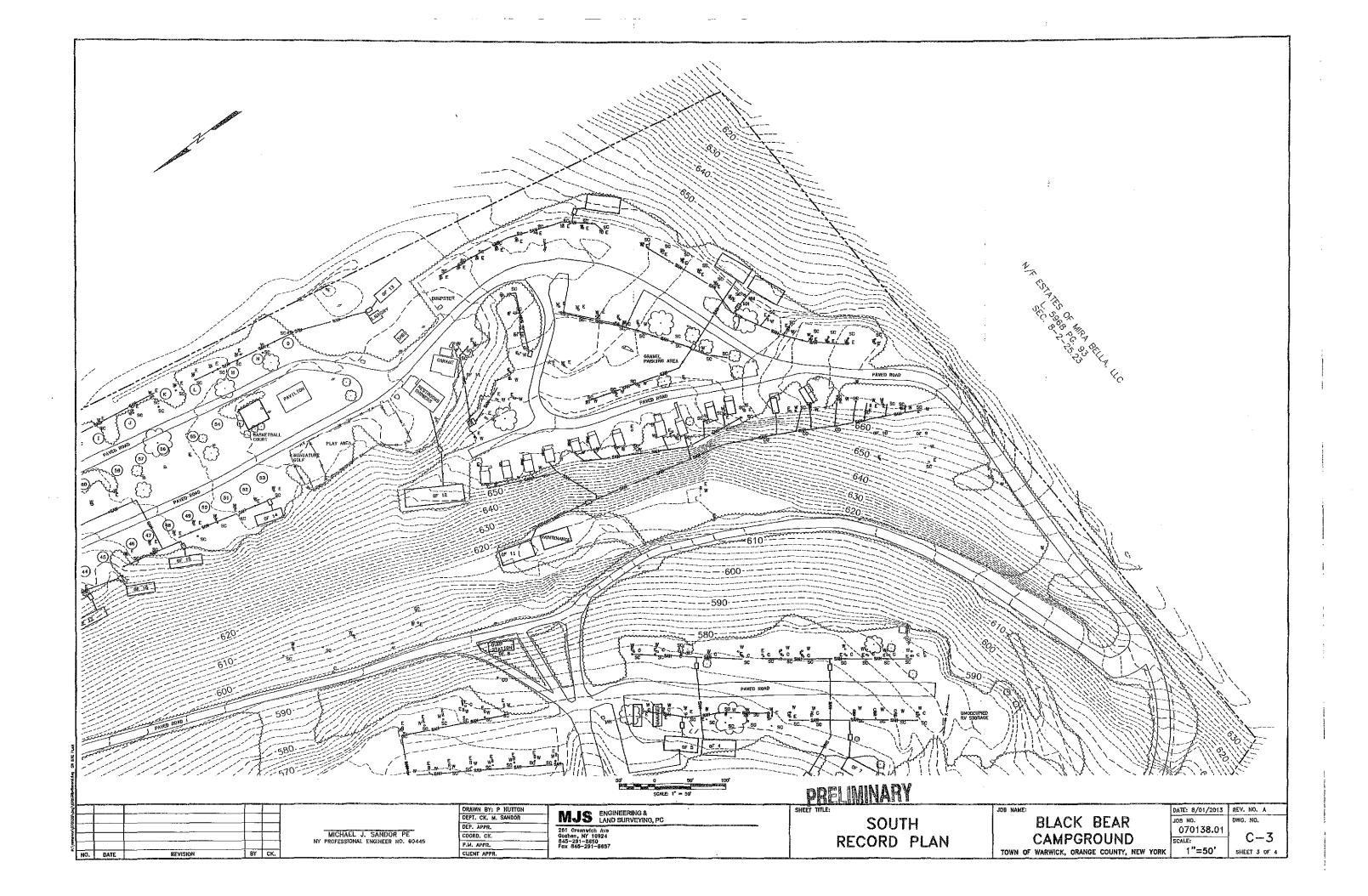
Manju Cherian. P.E.

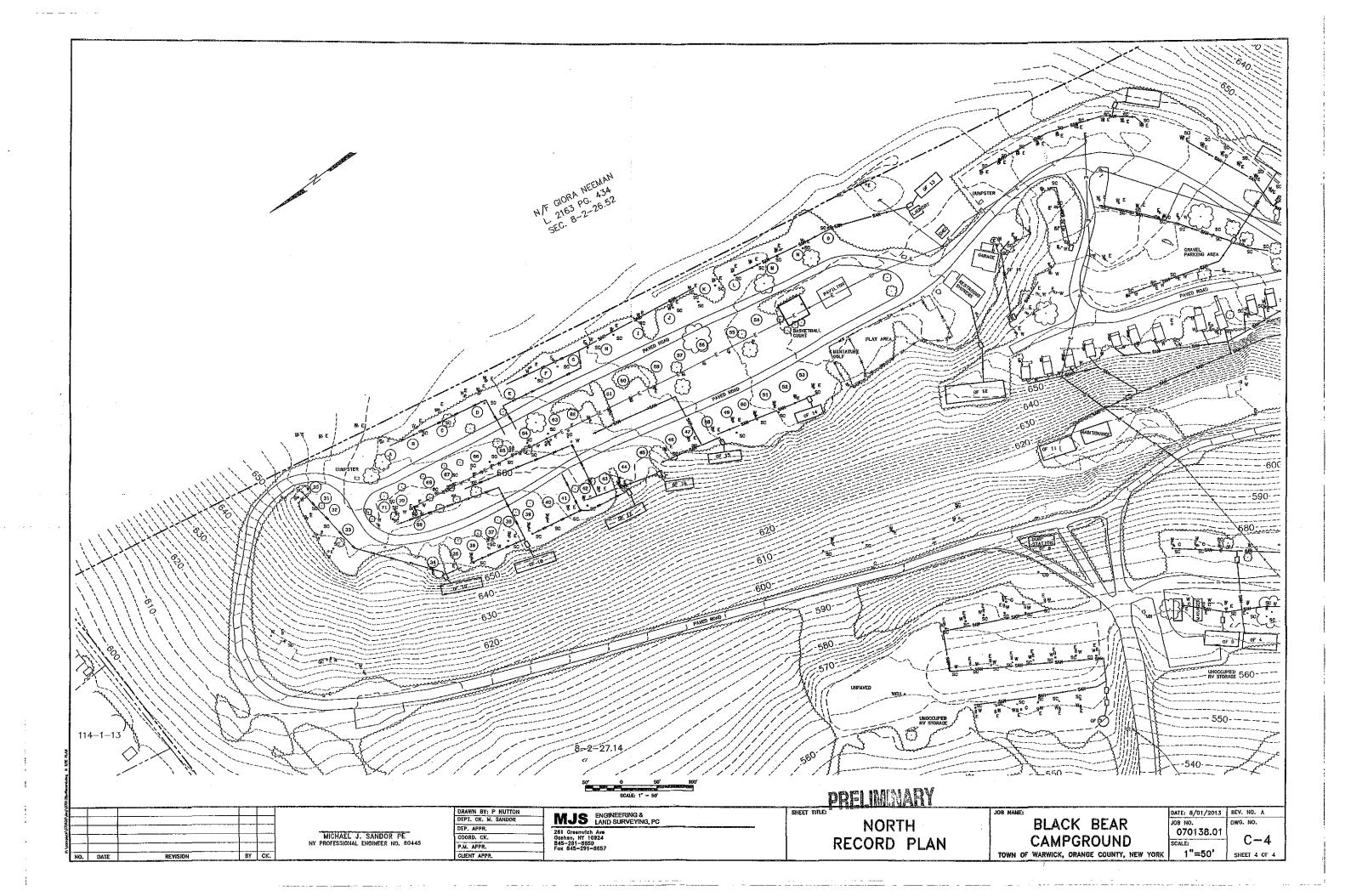




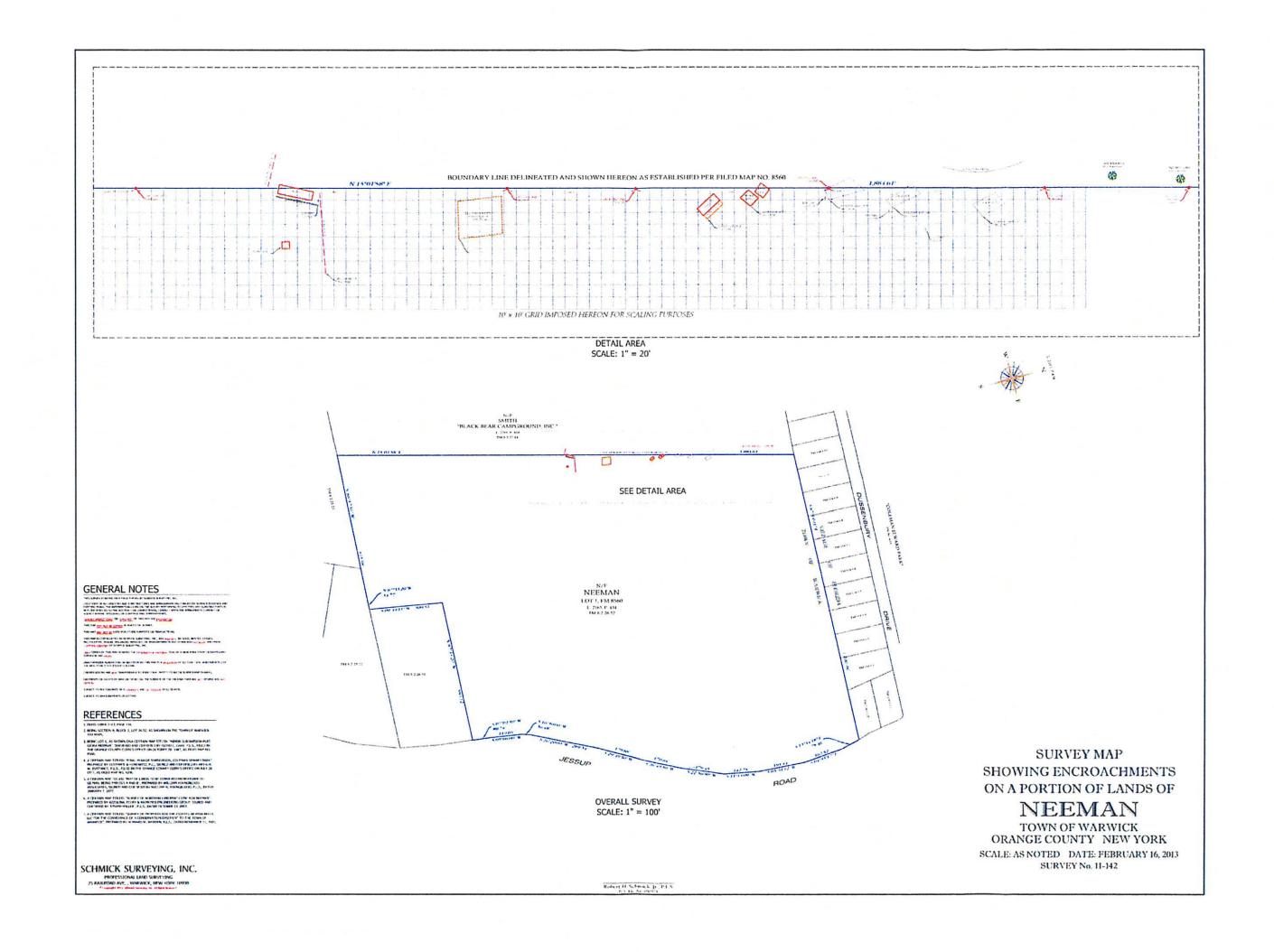


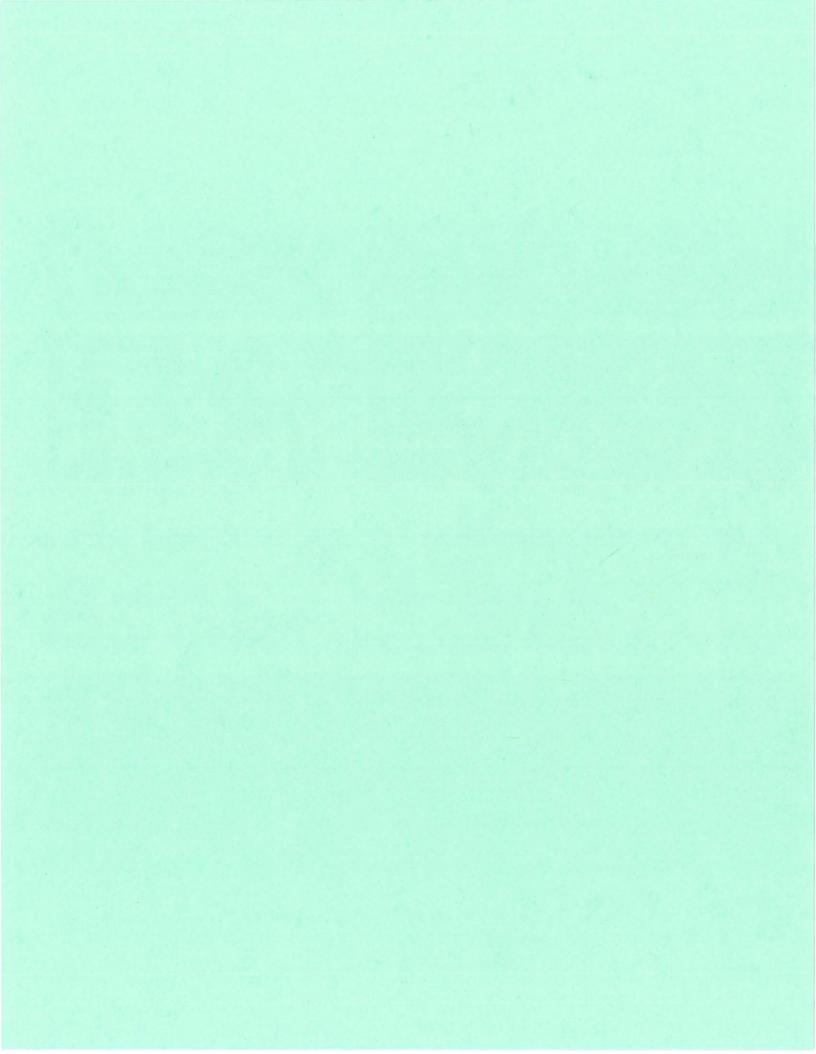






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| SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF ORANGE | |
|--|---|
| GIORA NEEMAN, | |
| Plaintiff, | Index Nº 6289-2013 |
| - against - | Date of Filing: |
| HOWARD SMITH, BLACK BEAR FAMILY CAMPGROUND, INC. d/b/a BLACK BEAR CAMPGROUND and "JOHN DOE", said name being fictitious but representing the names of the Tenants and Guests currently occupying the premises known as Black Bear Campground, 197 Wheeler Road, Warwick, New York, | AFFIRMATION Name of Assigned Judge: Hon. Elaine Slobod, J.S.C. |
| Defendants. | |
| STATE OF NEW YORK)) ss.: COUNTY OF ORANGE) | |

ALAN S. LIPMAN, an attorney duly admitted to practice law in the Courts of the State of New York, affirms the following under the penalties of perjury:

- 1. I am a member of the law firm of Fabricant Lipman & Frishberg, PLLC, maintaining offices at One Harriman Square, Goshen, New York, the attorneys for the defendants, Howard Smith and Black Bear Family Campground, Inc. (the "Defendants"). I am fully familiar with the facts and circumstances set forth in this affirmation.
- 2. This affirmation is submitted in opposition to the plaintiff's application for a a TRO contained in an Order to Show Cause to be considered for signature by this Court on July 29, 2013. Also submitted herewith is the affidavit of Michael J. Sandor, P.E. sworn to on the 28th day of July, 2013 (the "Sandor Affidavit") who is a licensed professional engineer

representing the Defendants in connection with the septic disposal systems servicing the Campground. Although the Order to Show Cause submitted to the Court contains pages of court directives which are proposed to be imposed as a preliminary injunction, the request for the TRO is limited to the closure of a Laundry Building and the closure of thirty-three (33) campsites. This affirmation and the Sandor Affidavit address only the issues related to the proposed TRO, as those are the only issues properly before this Court at this time.

3. No proof of service of the summons and complaint upon the Defendants has been offered and the Order to Show Cause seeking the preliminary injunction has neither been signed nor served. Accordingly, jurisdiction does not exist to consider any relief beyond whether on not to grant a TRO to be served with the summons and complaint. See, Charles H. Greenthal & Co., Inc. v. 301 East 21st Street Tenants' Ass'n, 91 A.D.2d 934, 457 N.Y.S.2d 826 (1 Dept., 1983).

BACKGROUND

- 4. The Defendants own a campground (the "Campground") in Warwick, New York. The back of the Campground and the back of the plaintiff's 49.5 acre lot (the "Plaintiff's Lot") adjoin each other.
- 5. There is no issue that several years ago the Defendants mistakenly installed a septic disnosal system servicing not more than seven (7) campsites (the "Mislocated Septic System") on the back of the Plaintiff's Lot. There is no issue that there is a Laundry Building (the "Laundry Building") located on the Campground near the back of the Plaintiff's Lot, containing six (6) washing machines for the use of tenant campers to wash their clothes, and that in the immediate past, the wash water discharged from those washing machines sometimes

overflowed from a seepage pit, some of which flowed near the back of the Plaintiff's Lot. There is also no issue that regardless of the plaintiff's characterization of the discharge, it is what is known as "domestic waste". No discharge of chemical, petroleum or hazardous waste is involved.

- 6. The injunction which the TRO would impose would close the Laundry Building and close a significant part of the Campground, evicting occupants from and preventing use of thirty-three (33) campsites.
- 7. The grant of the TRO provisions of the Order to Show Cause is opposed for the following reasons:
- A. No immediate and irreparable injury will arise if the TRO is not granted because the conditions which the imposition of the TRO would purportedly prevent (wash water running onto the plaintiffs property and residential septic running into a septic system on the plaintiffs property) do not exist at this time; and
- B. The conditions complained of by the plaintiff do not constitute an immediate environmental or health hazard warranting the imposition of the draconian TRO sought herein.
- 8. Indeed, in the volumes of paper submitted by the plaintiff herein, there is not a single statement by anyone qualified to opine upon the environmental risks which are attendant to the domestic waste collected by the Mislocated Septic System and the wash water discharged from the Laundry Building. Consequently, there is no factual pasis upon which to conclude that any immediate and irreparable injury will be suffered by the plaintiff.

 Should the Court be disposed to grant the TRO, the Defendants request that the plaintiff post an undertaking pursuant to CPLR §6313 in the amount of \$300,000.00.

THE WASH WATER DISCHARGE FROM SIX (6) WASHING MACHINES DOES NOT DRAIN ONTO THE PLAINTIFF'S PROPERTY

Wastewater Discharge", the plaintiff's complaint about the Laundry Building is that the washled water runs over the ground near or onto the Plaintiff's Lot. As detailed in the Sandor Affidavit, that condition was eliminated on July 15, 2013, by connecting the pipe which carries the discharge from the Laundry Building, to an existing septic disposal system for which a SPDES Permit has been issued, which is located on the Campground. The Orange County Department of Health (the "Department of Health") was advised of and agreed to this method of correcting the condition although it has not yet inspected it. No other incidents of laundry waste reaching the ground surface have occurred or been reported since July 15, 2013.

THE DEFENDANTS ARE NOT DISCHARGING SEPTIC WASTE UPON THE PLAINTIFF'S LOT

11. The New York State Department of Environmental Conservation (the "DEC") inspected the Campground with respect to the Mislocated Septic System and by letter dated July 11, 2013, a copy of which is annexed hereto as Exhibit "C". directed the Defendants to either obtain an easement to cure the mislocation and file an "as built" plan of the Mislocated Septic System or to submit a closure plan and remove the Mislocated Septic System. It is this

¹ See affidavit of Giora Affidavit sworn to on July 24, 2013, Paragraph "D" on Page "4".

condition of which the plaintiff complains and upon which is predicated his demand that any campsites which could be serviced by the Mislocated Septic System be closed.

- 12. I asked the plaintiff's attorney, Louise Dembeck, Esquire, at least once, if the plaintiff would consider selling the Defendants a strip of land that included the Mislocated Septic System and was advised that the plaintiff did not wish to do so because it would impact a planned subdivision of the Plaintiff's Lot. Accordingly, as detailed in the Sandor Affidavit, the line carrying the domestic waste from the seven campsites which the Mislocated Septic System serviced, was cut, capped and rerouted to the septic system which previously serviced those campsites located completely on the Campground and for which a SPDES Permit has been issued. That work was completed on July 26, 2013. The Department of Health has been advised of that completed work and orally approved it.
 - 13. No further discharge into the Mislocated Septic System can occur.
- 14. As the Sandor Affidavit also indicates, a plan for the closure of the Mislocated Septic System is being developed and is intended to be submitted to the DEC by August 2, 2013. After obtaining an approved plan, the Defendants will need the plaintiff's cooperation to effect removal of the Mislocated Septic System.
- 15. The measures taken by the Defendants have corrected and prevented all the conditions which the plaintiff seeks to correct and prevent by the TRO sought herein and there remains no reason for their imposition.

THE CONDITIONS COMPLAINED OF BY THE PLAINTIFF DO NOT CONSTITUTE AN IMMEDIATE ENVIRONMENTAL OR HEALTH HAZARD WARRANTING THE IMPOSITION OF THE DRACONIAN TRO SOUGHT HEREIN

16. The effluent that had been discharged into the Mislocated Septic System is domestic waste which every home that is not connected to central sewer systems, discharges into the same type of septic system in the respective homeowner's yard. If the condition was as dangerous as the plaintiff's hyperbole would have the Court believe, most of the homes in Orange County would need to be closed. As to the Laundry Building, this is not a commercial laundry and it is not causing hazardous chemical discharges. It's a slightly larger version of the same laundry that nearly every household in Orange County uses every day. Those household laundries drain into the homeowners' septic systems and pose no threat to the environment. Mislocating the Septic System on the plaintiff's property may be a trespass but the disposal of domestic waste through it is not an environmental or health hazard.

17. Both the Department of Health and the New York State Department of Environmental Conservation (the "DEC") have inspected the Campground with respect to the plaintiff's complaints. It is only three letters issued by those agencies which the plaintiff offers as proof of the conditions of which he complains. Although one or more of those three letters identifies the Laundry Building overflow and the Mislocated Septic System and direct that those conditions be corrected, none of them either demand or request the closing of the Laundry Building or the removal of campers from the campsites serviced by the Mislocated Septic System which the plaintiff would have this Court direct, without further support. None of those letters would lead one to believe that either the Department of Health or the DEC considers the

conditions so hazardous that the business of the Campground must be closed and campsites evacuated as the plaintiff would have this Court do by imposing the TRO.

- 18. By letter dated July 11, 2013 annexed as Exhibit "C", the DEC advised the Defendants of the mislocation of the septic system on the plaintiff's property and directed the Defendants to either provide an as built plan and obtain an easement to maintain it or submit a plan for its removal. Again, no demand or request to discontinue all or part of the Campground operations or even use of the Mislocated Septic system was made. The DEC is quite capable of writing stronger letters than that when a real environmental or health hazard exists.
- 19. The Department of Health letter of July 16, 2013, a copy of which is annexed hereto as Exhibit "D", which was based upon an inspection conducted on July 8. 2013, addresses the Laundry Building. Although the letter cautions the Defendants that further occurrences will result in a referral to the Commissioner of Health for appropriate action, its tone does not indicate an emergency and in fact the condition was already fixed the day before that letter was written.
- 20. As the Sandor Affidavit states, the domestic waste discharge from the laundry and into the septic system on the Plaintiff's Lot, does not pose an immediate environmental or health hazard. There never has been an environmental or health hazard warranting the TRO requested by the plaintiff.

A TEMPORARY RESTRAINING ORDER MAY ONLY BE ISSUED WHERE THE PLAINTIFF DEMONSTRATES THAT AN IMMEDIATE AND IRREPARABLE INJURY WILL RESULT UNLESS THE DEFENDANT IS RESTRAINED

21. CPLR 6313(a) provides:

"If on a motion for a preliminary injunction, the plaintiff shall show that immediate and irreparable injury or damages will result unless the defendant is restrained before a hearing can be had, a temporary restraining order may be granted"

22. Here, the Defendants have refuted the plaintiff's claims of immediate and irreparable injury by demonstrating that the conditions that the plaintiff claims will be stopped by the TRO, have already been corrected and stopped by the Defendants. There remains no basis for a TRO. See, Tesone v. Hoffman, 84 A.D.3d 1219, 923 N.Y.S.2d 704 (2 Dept., 2011), holding:

"Moreover, on this record, the plaintiffs have not demonstrated a right to a temporary restraining order since their submissions did not show the danger of immediate and irreparable injury, loss or damages if the temporary restraining order were not granted." (Citations and quotation marks omitted.)

IF THE COURT IS INCLINED TO GRANT THE TRO IT SHOULD BE CONDITIONED UPON THE PLAINTIFF POSTING A \$300,000.00 UNDERTAKING

23. CPLR 6313(c) provides that prior to granting a temporary restraining order, this Court may require the plaintiff to give an undertaking that the plaintiff will pay the Defendants all damages and costs which may be sustained by reason of the imposition of the TRO. This is the busiest season for the Campground. The closure of a significant number of its campsites and its Laundry Building will severely affect its business. The Defendants should

be protected against these damages in light of the excessive and unwarranted nature of the plaintiff's request.

24. The average daily rental value of each of the thirty-three campsites affected by the proposed TRO is \$70.00 per day. Based upon a term for the TRO of one hundred twenty (120) days, the rental value of thirty-three campsites is \$277,200.00.

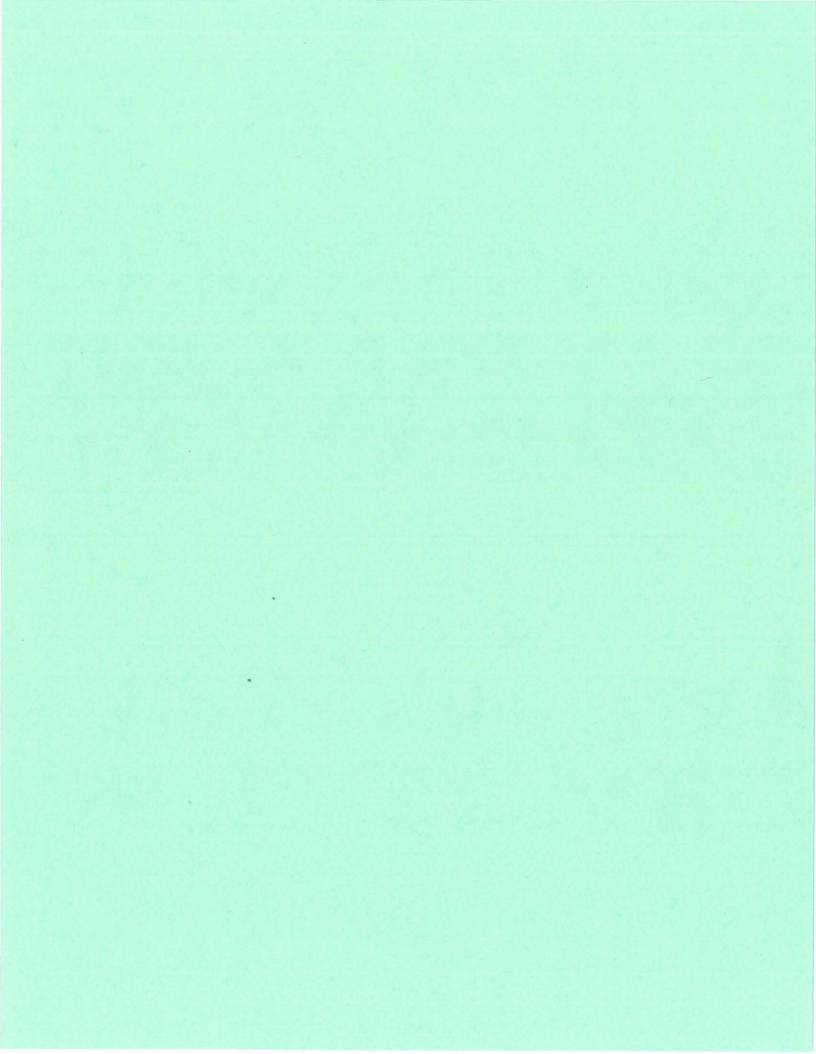
CONCLUSION

25. The plaintiff has failed to establish facts supporting a claim of immediate and irreparable harm which is a required prerequisite for the issuance of a TRO under the provisions of CPLR §6313. In fact, the Defendants have already eliminated the existence of the conditions which the proposed TRO was intended to abate.

WHEREFORE, your affirmant respectfully requests that the plaintiff's application for a temporary restraining order be denied in all respects and for such other and further relief as the Court may deem just and equitable.

Dated: Goshen, New York July 29, 2013

Alan S. Lipman



| SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF ORANGE | | | | |
|---|---|--|--|--|
| GIORA NEEMAN, | | | | |
| Plaintiff, | Index № 6289-2013 | | | |
| - against - | Date of Filing: | | | |
| HOWARD SMITH, BLACK BEAR FAMILY CAMPGROUND, INC. d/b/a BLACK BEAR CAMPGROUND and "JOHN DOE", | AFFIDAVIT | | | |
| said name being fictitious but representing the names of the Tenants and Guests currently occupying the premises known as Black Bear Campground, 197 Wheeler Road, Warwick, New York, | Name of Assigned Judge: Hon. Elaine Slobod, J.S.C. | | | |
| Defendants. | | | | |
| STATE OF NEW YORK)) ss.: COUNTY OF ORANGE) | | | | |
| MICHAEL J. SANDOR, being duly sworn deposes and says: | | | | |
| I am a professional engineer licensed in the State of New York. My | | | | |
| curriculum vitae is annexed hereto as Exhibit "A". | | | | |
| 2. I have been engaged by the defendants Howard Smith and Black Bear Family | | | | |
| Campground, Inc. (the "Defendants") in connection with the septic disposal systems located | | | | |

3. Part of my services provided to the Defendants was to address the issues concerning the septic systems at the Campground raised in the following letters:

at the Black Bear Campground (the "Campground") and have personal knowledge of the

information set forth herein.

- A. The letter of the Orange County Department of Health (the "Department of Health") dated June 26, 2013, a copy of which is annexed hereto as Exhibit "B";
- B. The letter of the New York State Department of Environmental Conservation (the "DEC") dated July 11, 2013, a copy of which is annexed hereto as Exhibit "C"; and
- C. The letter of the Department of Health dated July 16, 2013, a copy of which is annexed hereto as Exhibit "D".
- 4. The Department of Health letter dated June 26, 2013 raises a "Sewage Disposal" issue concerning a cracked drain pipe that is unrelated to the Plaintiff's Lot. That is the same pipe referenced in items "2)" and "3)" of the DEC letter of July 11, 2013. Both were written after a joint site inspection on June 18, 2013. Although not related to this matter, the cracked pipe was repaired immediately, even before those letters were written. Annexed hereto as Exhibit "E" are photographs showing the cracked pipe and its repair.
- 5. The letters annexed as Exhibits "C" and "D", as they relate to the plaintiff's application for a TRO, raise two concerns. First, the discharge of domestic waste into a septic system (the "Mislocated Septic System") which was mistakenly located on the rear portion of a 49.5 acre lot owned by the plaintiff (the "Plaintiff's Lot"). Second, the surface discharge of wash water from six (6) washing machines in the Laundry Building on the Campground which occurred when a seepage pit on the Campground overflowed. That overflow of wash water flowed along the surface of the ground near the Plaintiff's Lot. None of the other issues raised

in those letters affects the Plaintiff's Lot. Notwithstanding that, all of the issues raised in those letters are being addressed.

THE DISCHARGE OF DOMESTIC WASTE INTO THE MISLOCATED SEPTIC SYSTEM HAS BEEN TERMINATED

- 6. With respect to the Mislocated Septic System, it services seven campsites designated as campsites "E", "F", "G"," H", "I", "J" and "K". No other facilities on the Campground discharged or discharge into the Mislocated Septic System. That condition was raised in Exhibits "C" and "D". Upon being informed, I caused an investigation to be made and discovered that there was a septic disposal system located entirely on the Campground for which a SPDES Permit had been issued, designed to service those campsites. I also learned that the discharge from those campsites had been redirected to the Mislocated Septic System when the drainpipe in the original septic system had been crushed.
- 7. I terminated the discharge from the seven campsites into the Mislocated Septic System by installing a new pipe directing that discharge into the original septic system, and disconnecting and capping the pipes that had carried the domestic waste into the Mislocated Septic System. Photographs of the corrective work are collectively annexed hereto as Exhibit "F".
- 8. I advised the Department of Health of the corrective work but was not authorized by the Department to complete the reconnection until the afternoon of July 26, 2013. The reconnection was completed on July 26, 2013, immediately upon that authorization. There is no discharge from any facility on the Campground into the

Mislocated Septic System. I have advised the Department of Health of the completion of the corrective action.

9. I was also advised to design a plan for the closure of the Mislocated Septic System and to submit it for review and approval by the DEC. That plan is being prepared at this time and should be ready for submission by the end of the coming week. However, that plan, once approved, cannot be implemented without permission from the plaintiff to enter the Plaintiff's Lot. With or without the implementation of the plan, no further discharge into the Mislocated Septic System will occur.

THE OVERFLOW OF WASH WATER FROM THE LAUNDRY BUILDING HAS BEEN STOPPED

- 10. As a result of a Department of Health inspection on July 8, 2013, I became aware that the wash water from six (6) washing machines located in the Laundry Building at the Campground was being discharged into a seepage pit, that the wash water would overflow and the overflow was draining in the direction of the Plaintiff's Lot. That condition was also a subject of the Department of Health's letter annexed hereto as Exhibit "D".
- 11. I again investigated the matter and discovered that the discharge from the Laundry Building was originally designed to be directed into a septic system also servicing campsites "L" through "R". That septic system is located entirely on the Campground and was the subject of a SPDES Permit.
- 12. I corrected the problem by having the discharge from the Laundry Building disconnected from the seepage pit and reconnected to the septic system originally intended for that purpose. That correction was made on July 15, 2013. Annexed hereto collectively

as Exhibit "G", are photographs of the connection of the pipe carrying the wash water from the Laundry Building, to the septic system by a "T" connection. *There is no further overflow of wash water from the Laundry Building*.

THERE WAS NO TOXIC CHEMICAL OR HAZARDOUS WASTE DISCHARGE

Domestic Waste. The waste discharged into the Mislocated Septic System also is considered Domestic Waste which is appropriate for discharge into a septic system of the type of design of the Mislocated Septic System. That type of discharge into similar septic systems occurs in the yards of every home which is not connected to a public sewer system. There is no reason to believe, and nothing from my observations of the Campground indicates, that any toxic or chemical waste or hazardous waste was discharged from the Laundry Building or into the Mislocated Septic System.

Michael J./Sandor, P.E.

Sworn to before me this 28th day of July, 2013.

Notary Public

ALAN S. LIPMAN
Notary Public, State of New York
No. 02Li7564420
Qualified in Orange County
Commission Expires August 31, 2014

A

Michael J. Sandor, PE

Master of Engineering, Environmental, Manhattan College, NY Bachelor of Engineering, Civil, The City College of New York

Professional Affiliations:

- Adjunct Instructor: Sullivan County Community College, Survey Program
- Past-President: Orange/Sullivan Chapter, New York State Society of Professional Engineers

Professional Qualifications:

- · Registered Professional Engineer (NY, NJ, PA), Professional Planner (NJ).
- Underground Storage Tank Certification (NJ).
- Member of American Society of Civil Engineers, American Water Works
 Association, Water Environmental Federation and National Society of Professional Engineers.
- 34 years experience in all phases of civil and environmental engineering, particularly
 in aspects of site and subdivision engineering for industrial, commercial, and private
 construction projects.
- Municipal experience in subdivision and municipal utility design including wells, groundwater taking permits, water storage, water treatment, and sanitary sewer treatment.
- Environmental permitting (air, water and waste), water quality studies, underground storage tank (UST) removal, SPDES Permits, and Environmental Phase I, II and III.

Areas of professional expertise include:

Hydrology & Hydraulics

HEC-2/HEC-1/Dambreak

Surface Water Quality Modeling

Water Storage & Distribution Design

Wells, Water Quality

Stormwater Management

Site Selection

Road Design

Sewer Design

Feasibility Studies

SEQR

Air Emissions Permitting

Construction Inspection

Project Management

Residential Structural

Pavement Design, Flexible-Rigid

Pump Stations

Water/Sewage Treatment

UST-Closure Plans

Subdivision Design

Site Plans

CAD (ACAD, Microstation)

Specifications

Sewage Disposal System Design

Soil Testing

Soil Erosion & Sediment Control

FEMA: LOMR/LOMA

SPDES/NPDES

Phase I, II and III - Environmental

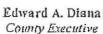
Site Assessment

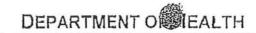
Municipal Engineering

Condition Surveys

B







Eli N. Avila, MD, JD, MPH, FCLM Commissioner of Health

124 Main Street Goshen, New York 10924-2199

Environmental Health ax: (845) 291-4078 (845) 291-2331

June 26, 2013

Re:

Black Bear Campground Town of Warwick Campground

Mr. Howard Smith Black Bear Campground P.O. Box 82 Florida, NY 10921

Dear Mr. Smith:

On June, 18, 2013, Mr. Graziano, a representative of this Department, inspected the above mentioned campground.

Based on his report and a review of our files, the following violations of the New York State Sanitary Code are noted:

Sewage Disposal

Inadequately treated sewage was being discharged to the ground surface. This refers to the sewage service line near the maintenance area downgrade from lots 131 to 144. (Subpart 7-3, Section 7-3.5 (b) (1) (viii))

Sewage disposal facilities were not approved by this Department or the New York State Department of Environmental Conservation. Our records indicate that the sewage disposal facilities for units 92 through 113, units 131 through 144 and 5 unmarked sites near the "sharp turn" were constructed without having the plans for these systems approved. (Subpart 7-3, Section 7-3.14 (b))

Construction

New construction at lots 136, 137, 138, 139, 141, 142 and 144 did not have certificates of occupancy from the local code enforcement official. (Subpart 7-3.7 (c))

Campsites 131 through 144, campsites 92 through 113 and the 5 campsites adjacent to the "sharp turn" as well as sites on the lower road adjacent to sites 27, 28 and 29, were constructed without approval from this Department. (Subpart 7-3, Section 7-3.7 (a) (b))

Black Bear Campground T. Warwick Page 2

Fire Safety

Structures at lots 3, 4, 10, 74, 127, 136, 137, 138, 139, 141, 142, 143 and 144 are not certified as meeting the fire safety standards set forth in Subpart 7-1, Section 7-1.8 of the New York State Sanitary Code. (Subpart 7-3, Section 7-3.9)

Please provide a written response within 30 days indicating how and when these matters will be corrected. Your permit to operate issued by this office in January 2013 may be subject to revocation if prompt action is not taken to obtain compliance. Additionally, you may be subject to fines of up to \$2000.00 per day per violation if they continue.

Very truly yours,

John D. Score Principal Public Health Sanitarian

JDS:dlb

CC:

Mr. Michael Sweeton -Town of Warwick Supervisor

Mr. Wayne Stevens-Building Inspector - Town of Warwick

Mr. Alan Lipman, Esq. - Fabricant, Lipman and Frishberg, LLC

Ms. Manju Cherian - NYS DEC-White Plains Regional Office

Dr. Avila

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New York State Department of Environmental Conservation Division of Water, Region 3

100 Hillside Avenue 3 Suite 1W, White Plains, New York 10603-2860

Phone: (914) 428-2505 \$ FAX: (914) 428-0323

Website: www.dec.state.ny.us



July 11, 2013

Howard Smith Black Bear Campground P.O. Bux 82 Florida, NY 10921

Rc:

Reconnaissance Inspection & Notice of Violation Black Bear Campground SPDES # NY 0144938

Dear Mr. Smith:

A reconnaissance inspection of the Black Bear Campground was performed by a representative from this office along with the Orange County Department of Health on June 18, 2013 for the purpose of evaluating compliance with the State Pollutant Discharge Elimination System (SPDES) Permit and Article 17 of the Environmental Conservation Law. The inspection has been given an unsatisfactory rating. Please refer to the attached copy of the inspection report and inspector comments for details. The problems found during this inspection were:

- The disposal system for outfall 13 is located outside of Black Bear Campground's property. This is not an acceptable disposal site unless an easement has been obtained.
- The disposal system for outfall 11 has a cracked influent pipe. Untreated sewage is discharging from this pipe onto the ground.
- The collection system for outfall 11 is not buried and does not have thermal insulation. Such installation does not meet design standards.

A review of the Department's files shows that the disposal system for outfalls 3, 10, 11, 12, and 13 were not approved by this Department or Orange County Department of Health. Failure to obtain plan approval for these disposal systems is a violation of Article 17 of the Environmental Conservation Law (ECL). Additionally, the discharge of untreated sewage is an unpermitted discharge and is a violation of Article 17 of the Environmental Conservation Law (ECL). Violations of the ECL are subject to penalties of up to \$37,500 per day per violation.

By August 1, 2013, please submit to Orange County Department of Health as built plans of the disposal systems for the above outfalls, showing property boundaries; along with a short term/long term corrective action plan to abate the discharge of untreated sewage; and an Engineering Report and plans to upgrade the collection system for outfall 11 to meet design standards. All engineering reports and plans must be stamped and sealed by a Professional Engineer licensed in the State of New York.

Additionally, should any of the disposal systems for the above outfalls be proposed for removal, you must submit a closure plan for that system to the Regional Water Engineer for review, in accordance with the requirements of 6 NYCRR Part 750 2.9. Failure to do so prior to the removal of a permitted disposal system would be a violation of the terms and conditions of the SPDES permit and Article 17 of the ECL.

Howard Smith, Black Bear Campground Page 2 July 11, 2013

The Department anticipates your compliance with the ECL which we will take into consideration before making a final determination regarding appropriate enforcement action for the violations. Your cooperation in complying with your SPDES Permit and the protection of New York's waters is anticipated. If you have any questions, please contact me at the above number, ext. 357.

Sincerely,

Manju Chewar Manju Cherian, P.E.

Environmental Engineer 2

ce: Shohreh Karimipour, Regional Water Engineer

Orange County Department of Health Town of Warwick Buildings Department



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION DIVISION OF WATER

WASTEWATER FACILITY INSPECTION REPORT - SITE VISIT

| Purpose of Inspection Complaint | DEC Region 3 | Date of Inspection 6/18/13 |
|---------------------------------|--|-----------------------------|
| SPDES Number NY0144938 | Facility Nome Black Bear Campground | Leation (C,T,V) (T) Warwick |
| CountyOrange | Name of Inspector Vladimir Barezanskiy | Type of Industry Campground |
| Summary Rating: Unsatisfactor | у | |
| Weather Conditions: Sunny, 70 | S | |
| Raffing Codes: S = Satisfactory | U = Ungatisfactory M = Marginal Nt = Not Inspected N | A " Not Applicable |

Comments:

In response to a complaint about one of the outfalls and treatment system, I inspected Black Bear Campground along with the Orange County Department of Health representatives: Greg Moore, John Graziano and Kevin Faith, According to the complaint the outfall/treatment system is located outside of Black Bear's property. A surveyor has installed pink flags on green iron posts demarking the Black Bear's boundary. The outfall/treatment system is located behind the 'G' parking spot. This septic is located behind the pink flag as seeing on the attached photo.

According to Septic System Engineer's Report, prepared for Black Bear Campground by MJS Engineering & Land Surveying, PC and map from the campground website this septic/leach field discharges to outfall #13.

According to SPDES Permit this facility has 19 septic/leach field treatment systems and subsurface outfalls. Only 4 of them were identified. One, which is located below a cabin #134 and discharges to outfall #11, has a broken influent pipe before the septic tank. The ground under this pipe is well. The discharge of untreated sewage is a violation of Article 17 of the New York State Environmental Conservation Law (ECL). Additionally, the sewage collection system from all cabins to the septic/leach field for outfall #11is not buried and has no thermo insulation. This installation does not meet design standards.

Corrective actions:

The owner of Black Bear Campground should submit as built plan for the treatment systems with design flow more 1000 gal/day with strictly defined property boundaries.

The discharging of untreated wastewater from any disposal system must be stopped immediately. All sewage disposal system should be protected from freezing.

| Signature of Inspector: | Title: Environmental Engineer | Date: 6/18/13 |
|-------------------------------------|-------------------------------|---------------|
| Name of Facility Representative: NA | Title: NA | Date: 6/18/13 |

D

:



Edward A. Diana County Executive

DEPARTMENT OF HEALTH

Eli N. Avila, MD, JD, MPH, FCLM Commissioner of Health

124 Main Street Gashen, New York 10924-2199

Environmental Health

(\$45) 291-2331 Fax: (\$45) 291-4678

July 16, 2013

RE:

Campground Black Bear Campground 197 Wheeler Rd.

T. Warwick

Mr. Howard Smith Black Bear Campground P.O. Box 82 Florida, NY 10921

Dear Mr. Smith:

A partial inspection of the above establishment was conducted by J. Graziano, a representative of this department, on July 8, 2013.

You are hereby advised of the following violation considered by the New York State Sanitary Code as being a public health hazard. A public health hazard is a condition that poses a threat to the public health and/or safety and is to be corrected immediately when found:

SEWAGE DISPOSAL.

Sewage was found to be discharging onto the ground surface adjacent to the laundry building. You must take immediate action to provide needed repairs to provide an adequate and functioning disposal system. Any new construction, revision, and/or modification must receive prior approval from this Department and possibly the New York State Department of Environmental Conservation. Any repairs involving replacement, modification or enlargement of your disposal system will require that a professional engineer licensed to practice in New York State prepare plans and specifications.

You are cautioned that further occurrences of this hazard will result in our referral of this matter to the Commissioner of Health for appropriate action. A reinspection is being scheduled for the near future to determine if formal action is to be taken.

Very truly yours,

Timothy J. Gaeta Senior Public Health Sanitarian

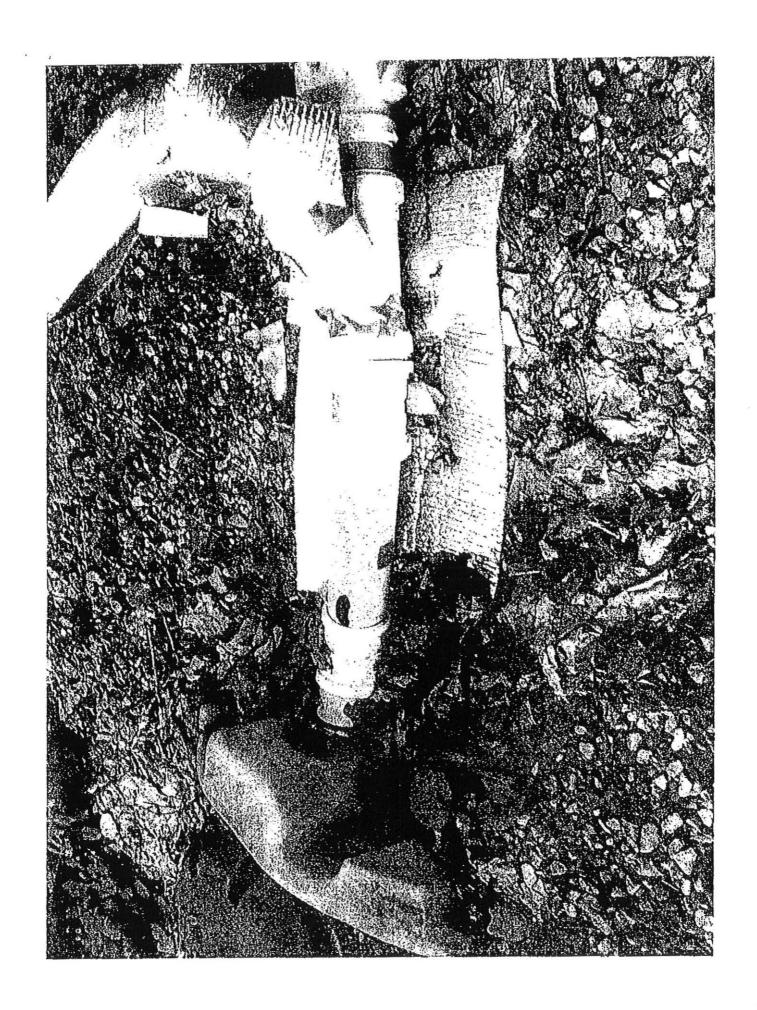
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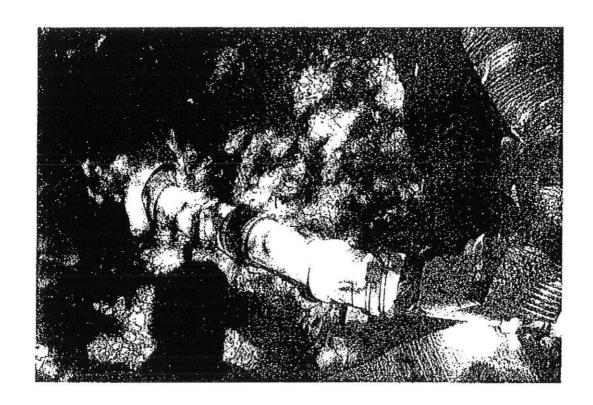
cc:

Or. Avila T. Warwick, B.I. File OK

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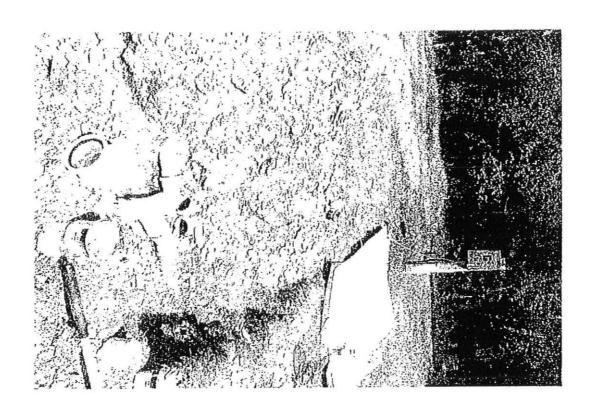
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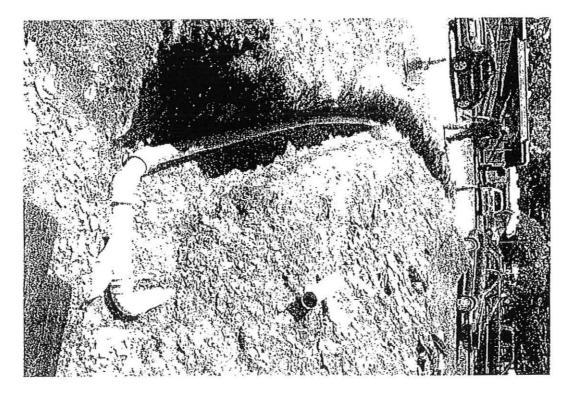




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Michael Sandor

From:

Frank Merrick <fmerrick@icloud.com>

Sent:

Wednesday, July 17, 2013 8:37 PM

To:

Mike Sandor, Howard Smith; Frank Merrick

Subject:

Black Bear Laundry

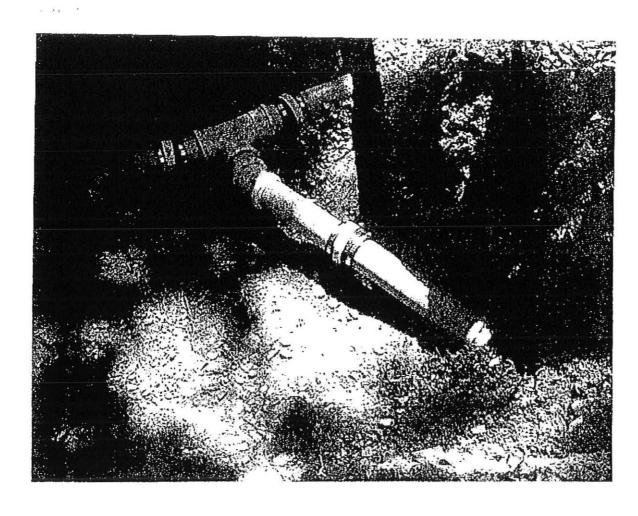
like,

HESE ARE THE PICTURES OF THE CONNECTION OF THE LAUNDRY TO THE EXISTING SEPTIC THAT HAS 7 RV SITES GOING INTO IT. THE SITES ARE: L,M,N,O,P,Q AND R. THE SITES CONNECT ON THE STRAIGHT HROUGH CONNECTION OF THE "Y" THE LEFT SIDE COMING FROM THE SITES AND THE RIGHT SIDE INTO THE 1000 GAL CONCRETE TANK. THE "Y" CONNECTION IS THE CONNECTION FROM THE LAUNDRY.

THIS CONNECTION WAS MADE ON MONDAY JULY 15, 2013.

RANK MERRICK









Eli N. Avila, MD, JD, MPH, FCLM Commissioner of Health

124 Main Street Goshen, New York 10924-2199

Environmental Health ax: 1845) 291-4078 (845) 291-2331

June 26, 2013

Re

Black Bear Campground Town of Warwick Campground

Mr. Howard Smith Black Bear Campground P.O. Box 82 Florida, NY 10921

Dear Mr. Smith

On June, 18, 2013, Mr. Graziano, a representative of this Department, inspected the above mentioned campground.

Based on his report and a review of our files, the following violations of the New York State Sanitary Code are noted:

Sewage Disposal

Inadequately treated sewage was being discharged to the ground surface. This refers to the sewage service line near the maintenance area downgrade from lots 131 to 144. (Subpart 7-3, Section 7-3.5 (b) (1) (viii))

Sewage disposal facilities were not approved by this Department or the New York State Department of Environmental Conservation. Our records indicate that the sewage disposal facilities for units 92 through 113, units 131 through 144 and 5 unmarked sites near the "sharp turn" were constructed without having the plans for these systems approved. (Subpart 7-3, Section 7-3.14 (b))

Construction

New construction at lots 136, 137, 138, 139, 141, 142 and 144 did not have certificates of occupancy from the local code enforcement official. (Subpart 7-3.7 (c))

Campsites 131 through 144, campsites 92 through 113 and the 5 campsites adjacent to the "sharp turn" as well as sites on the lower road adjacent to sites 27. 28 and 29, were constructed without approval from this Department. (Subpart 7-3, Section 7-3.7 (a) (b))

Black Bear Campground T. Warwick Page 2

Fire Safety

Structures at lots 3, 4, 10, 74, 127, 136, 137, 138, 139, 141, 142, 143 and 144 are not certified as meeting the fire safety standards set forth in Subpart 7-1. Section 7-1.8 of the New York State Sanitary Code. (Subpart 7-3, Section 7-3.9)

Please provide a written response within 30 days indicating how and when these matters will be corrected. Your permit to operate issued by this office in January 2013 may be subject to revocation if prompt action is not taken to obtain compliance. Additionally, you may be subject to fines of up to \$2000.00 per day per violation if they continue

Very truly yours.

John D. Score Principal Public Health Sanitarian

JDS:dlb

CC:

Mr. Michael Sweeton -Town of Warwick Supervisor

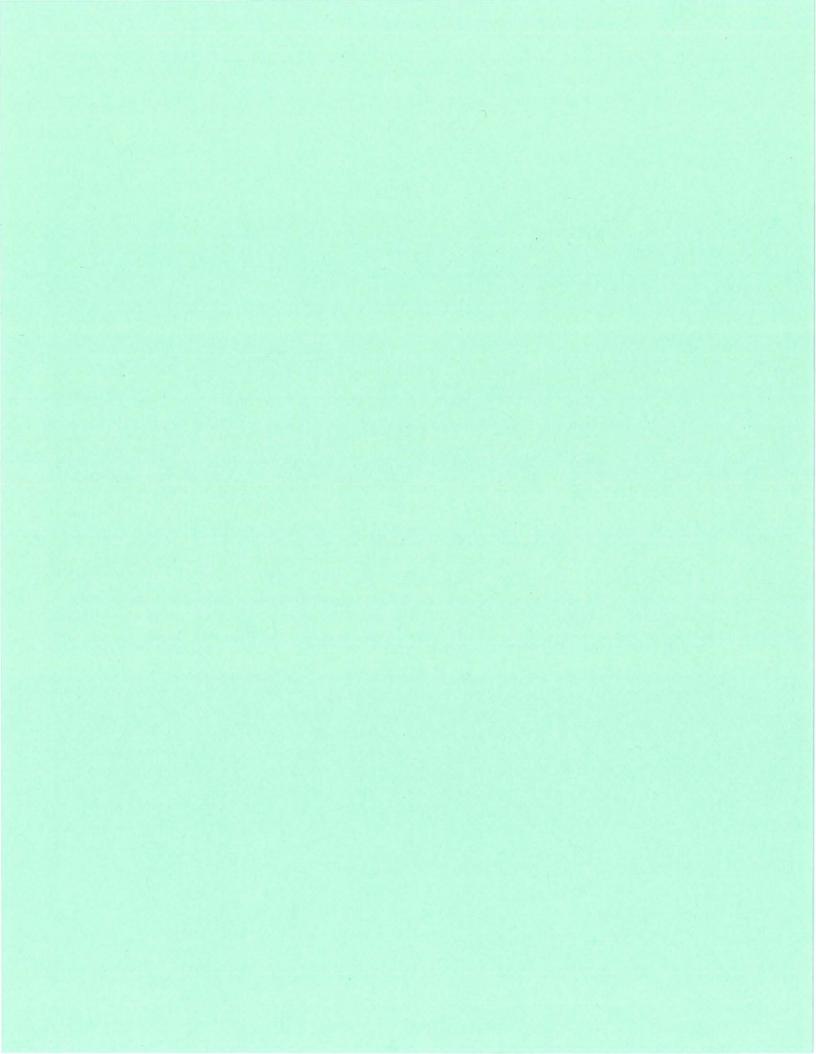
Mr. Wayne Stevens-Building Inspector - Town of Warwick

Mr. Alan Lipman, Esq. - Fabricant, Lipman and Frishberg, LLC

Ms. Manju Cherian - NYS DEC-White Plains Regional Office

Dr. Avila

File



New York State Department of Environmental Conservation Division of Water, Region 3

100 Hillside Avenue is Suite 1W. White Plains, New York: 10603-2850 Phone: (914) 428-2505 S. FAX: (914) 428-0323

Website: www.dec.state nv.us.



July 11, 2013

Howard Smith Black Bear Campground P.O. Box 82 Florida, NY 10921

Re:

Reconnaissance Inspection & Notice of Violation

Black Bear Campground SPDES# NY 0144938

Dear Mr. Smith.

A reconnaissance inspection of the Black Bear Campground was performed by a representative from this office along with the Orange County Department of Health on June 18, 2013 for the purpose of evaluating compliance with the State Pollutant Discharge Elimination System (SPDES) Permit and Article 17 of the Environmental Conservation Law. The inspection has been given an unsatisfactory rating. Please refer to the attached copy of the inspection report and inspector comments for details. The problems found during this inspection were

- The disposal system for outfall 13 is located outside of Black Bear Campground's property. This is not an acceptable disposal site unless an easement has been obtained.
- The disposal system for outfall 11 has a cracked influent pipe. Untreated sewage is discharging from this pipe onto the ground.
- The collection system for outfall 11 is not buried and does not have thermal insulation. Such installation does not meet design standards.

A review of the Department's files shows that the disposal system for outfalls 3, 10, 11, 12, and 13 were not approved by this Department or Orange County Department of Health. Failure to obtain plan approval for these disposal systems is a violation of Article 17 of the Environmental Conservation Law (ECL), Additionally, the discharge of untreated sewage is an unpermitted discharge and is a violation of Article 17 of the Environmental Conservation Law (ECL). Violations of the ECL are subject to penalties of up to \$37,500 per day per violation.

By August 1, 2013, please submit to Orange County Department of Health as built plans of the disposal systems for the above outfalls, showing property boundaries; along with a short term/long term corrective action plan to abate the discharge of untreated sewage; and an Engineering Report and plans to upgrade the collection system for outfall 11 to meet design standards. All engineering reports and plans must be stamped and scaled by a Professional Engineer licensed in the State of New York

Additionally, should any of the disposal systems for the above outfalls be proposed for removal, you must submit a clusure plan for that system to the Regional Water Engineer for review, in accordance with the requirements of 6 NYCRR Part 750 2.9. Failure to do so prior to the removal of a permitted disposal system would be a violation of the terms and conditions of the SPDES permit and Article 17 of the ECL.

Howard Smith, Black Bear Campground Page 2 July 11, 2013

The Department anticipates your compliance with the ECL which we will take into consideration before making a final determination regarding appropriate enforcement action for the violations. Your cooperation in complying with your SPDES Permit and the protection of New York's waters is anticipated. If you have any questions, please contact me at the above number, ext. 387

Sincerely,

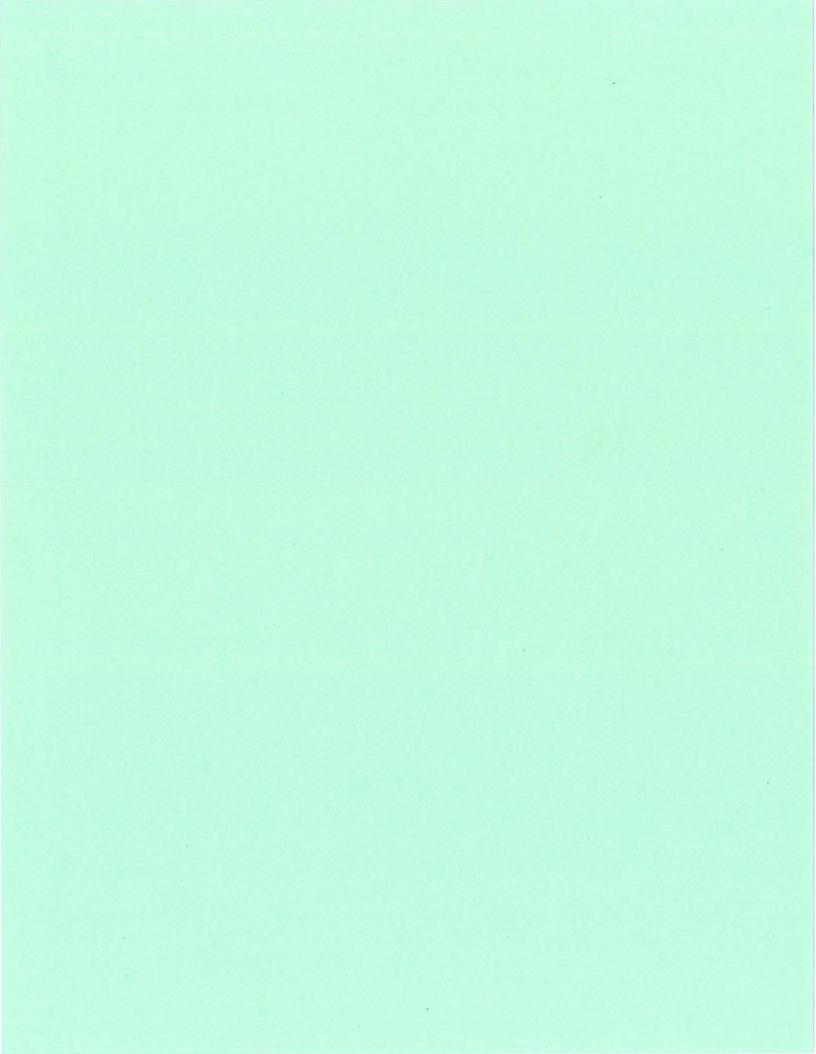
Manju Cherian, P.E.

Linvironmental Engineer 2

Manju Cheviau

cc: Shohreh Karimipour, Regional Water Engineer

Orange County Department of Health Town of Warwick Buildings Department





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WASTEWATER FACILITY INSPECTION REPORT - SITE VISIT

| Free-Complaint | UE Ray Year 3 | 316 C F GS 3 07 6718/13 |
|-------------------------------|---|-----------------------------|
| *THE STATE: NY0144938 | Forths New Black Bear Campground | course a John (T) Warwick |
| Orange | Subsect the Note: Vladuric Berozanskiy | Type of Bulletin Campareund |
| Services Remain Unsatisfactor | У | |
| waser cardinal Sunny, 70 | 5 | |
| Rating Codes. S. Sale day of | (Installation M. Marmal M. Serbent, et | N No Male 208 |

Comments:

in response to a complaint about one of the outfells and treatment system. Linspected Black Bear Campground along with the Orange County Department of Health representatives: Greg Moore, John Graziano and Kevin Faith. According to the complaint the outfall/treatment system is located outside of Black Bear's property. A surveyor has installed pink flags on green non posts demarking the Black Bear's boundary. The outfall/treatment system is located behind the 'G' parking spot. This septic is located behind the pink flag as seeing on the attached photo. According to Septic System Engineer's Report, prepared for Black Bear Campground by MJS Engineering & Land Surveying. PC and map from the campground website this septic/leach field discharges to outfall #13

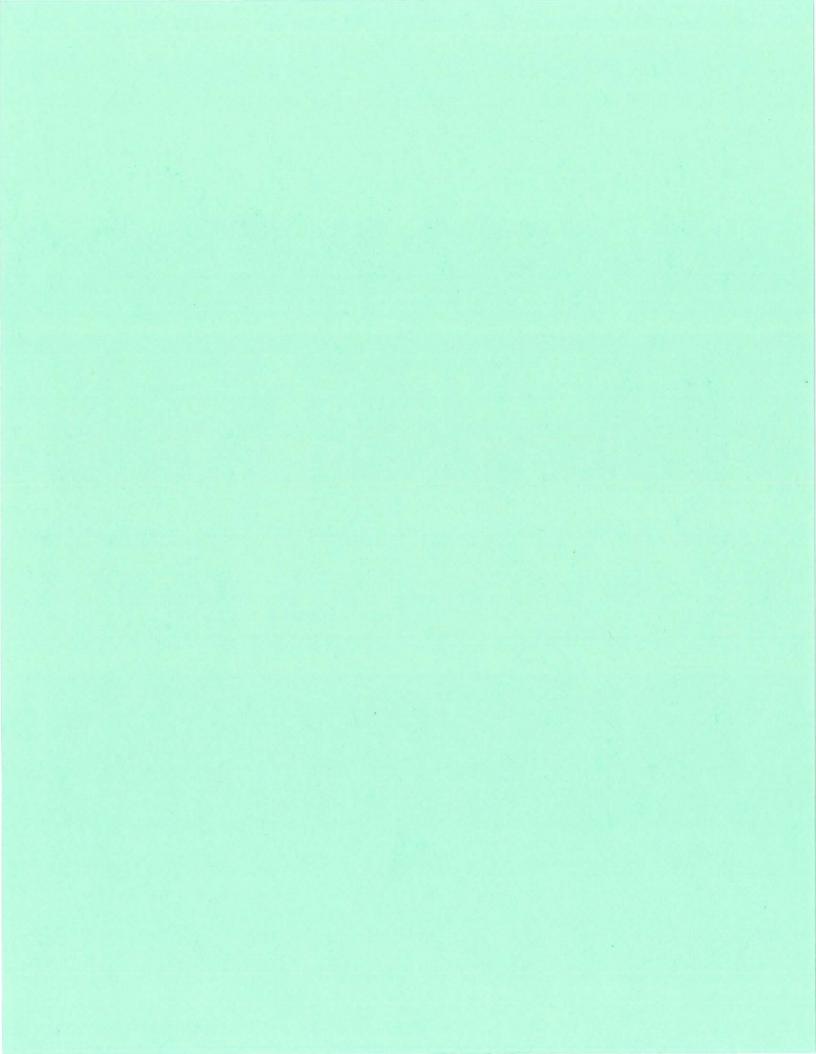
According to SPDES Permit this facility has 19 septic/leach field treatment systems and subsurface outfalls. Only 4 of them were identified. One, which is located below a cabin #134 and discharges to outfall # 11, has a broken influent pipe before the septic tank. The ground under this pipe is wet. The discharge of untreated sewage is a violation of Article 17 of the New York State Environmental Conservation Law (ECL). Additionally, the sewage collection system from all cabins to the soptic/leach field for outfall #11is not buried and has no thermo insulation. This installation does not meet design standards.

Corrective actions.

The owner of Black Bear Campground should submit as built plan for the treatment systems with design flow more 1000 gal/cay with strictly defined property boundaries.

The discharging of untreated wastewater from any disposal system must be stopped immediately. All sewage disposal system should be protected from freezing.

| | | | ~~ |
|---------------------------------|----------|------------------------------|--------------|
| Signature of Inspector: | Alore Co | Title Environmental Engineer | Date 6/18/13 |
| Same of Facility Representation | e NA 🗹 | Title NA | Date 6/18/13 |





Edward A. Diana County Executive

DEPARTMENT OF MEALTH

Eli N. Avila, MD, JD, MPH, FCLM

Commissioner of Health

124 Main Street Coshen, New York 10924-2199

Lay tempental Health

+445) [41] [13] 1 34 + 8451 [21] 40 * 8

July 16, 2013

RE:

Campground Black Bear Campground 197 Wheeler Rd.

T. Warwick

Mr. Howard Smith Black Bear Campground P.O. Box 82 Florida, NY 10921

Dear Mr. Smith:

A partial inspection of the above establishment was conducted by J. Graziano, a representative of this department, on July 8, 2013.

You are hereby advised of the following violation considered by the New York State Sanitary Code as being a public health hazard. A public health hazard is a condition that poses a threat to the public health and or safety and is to be corrected immediately when found:

SEWAGE DISPOSAL.

sewing was found to be discharging onto the ground surface adjacent to the laundry building. You must take immediate action to provide needed repairs to provide an adequate and functioning disposal system. Any new construction, revision, and/or modification must receive prior approval from this Department and possibly the New York State Department of Environmental Conservation. Any repairs involving replacement, modification or enlargement of your disposal system will require that a professional engineer licensed to practice in New York State prepare plans and specifications.

You are cautioned that further occurrences of this hazard will result in our referral of this matter to the Commissioner of Health for appropriate action. A reinspection is being scheduled for the near future to determine if formal action is to be taken.

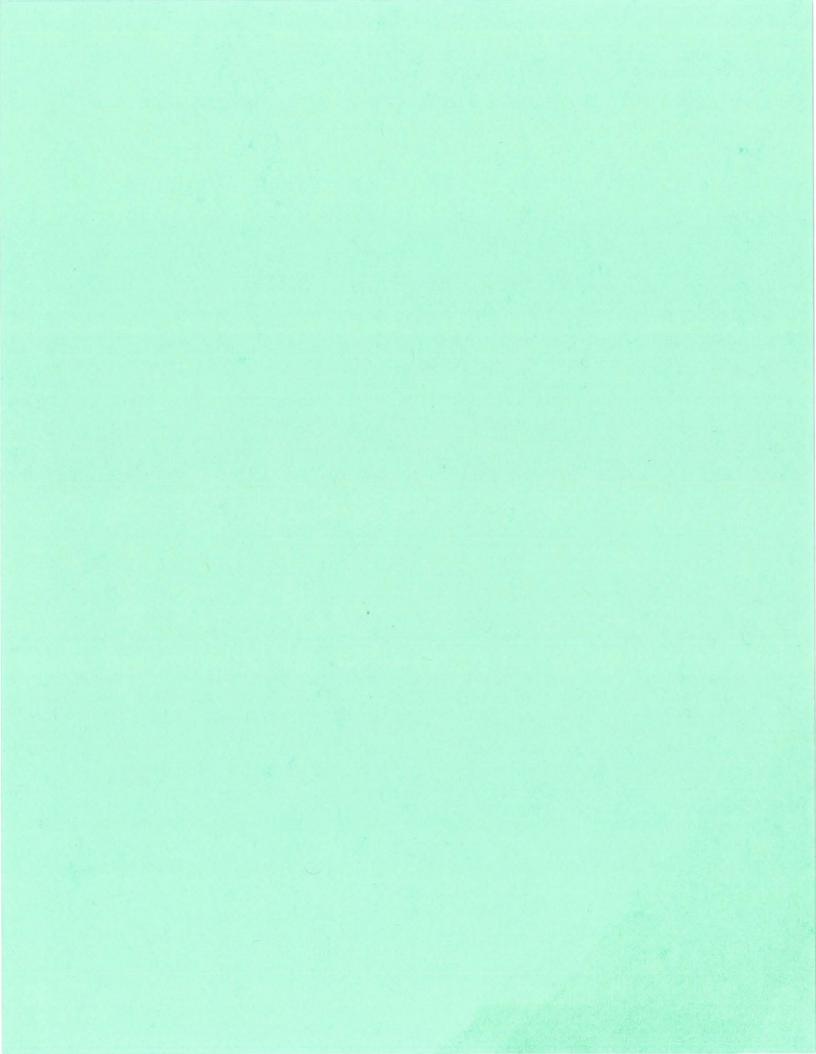
Very truly yours.

Finothy J. Gaeta Senior Public Health Sanitarian

i li itimit

3.

Or Anda f. Warwick, B.L. File * &



Gary Greenwald * Joanna C. Greenwald William A. Frank

Erno Poll Jamie C. Greenwald* David L. Gove Jeremy B. Kaufman

Robert M. Graubard, Of Counsel David A. Brodsky, Of Counsel Elise L. Rucker, Of Counsel Alexandra Bourne, Of Counsel

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Please Reply to Wurtsboro Office

July 29, 2013

Via Telecopier 845-291-2104

New York City 245 Park Avenue New York, NY 10167

Orange County 99 Brookside Avenue Chester, New York 10918 (845) 469-4900 Eas: (845) 469-2022

Dutchess County 224 Church Street Poughkeepsic, NY 12601 (845) 790-5310

James M. Neylon, Paralegal (1934-1998) Spencer M. McLaughlin, Esq. (1945-2007)

Hon. Elaine Z. Slobod, J.S.C. Supreme Court, Orange County 285 Main Street Goshen, New York 10924

Re: N

Neeman v. Smith, et.al. Index No. 6289-2013

Dear Judge Slobod:

This morning, we appeared before the Court in the above-referenced matter to argue whether or not the Plaintiff was entitled to a Temporary Restraining Order barring the Defendants from utilizing the laundry facilities on their premises and from renting out the campground sites which have septic discharge piping that leads to the illegally installed septic system on the Plaintiff's property. Prior to the beginning of oral argument, Defendants served responsive papers upon the undersigned. Paragraphs 10 and 12 of Mr. Lipman's Affirmation and paragraph 8 of the Sandor Affidavit state that the Defendants received oral authorization to proceed with corrective actions with respect to the illegal discharge. Those representations of oral approval were repeated during oral argument by Mr. Sandor.

Following the conclusion of this morning's court appearance, I personally contacted Edwin L. Sims, P.E. of the Orange county Department of Health. I asked Mr. Sims whether or not Defendants received any type of approval, whether oral or written to proceed with any corrective actions. Mr. Sims informed the undersigned that no permission or approval of any type was issued by his Department. Upon returning to my office, I emailed the Lipman and Sandor Affidavits to Mr. Sims for his review, just so he could be certain that the information that I conveyed to him over the phone was accurate.

Attached to this letter is Mr. Sims' response to my email sent at 1:51 p.m. this afternoon. Mr. Sims states that the Department of Health has "not issued any approvals, verbal or written, to proceed with the corrective actions, furthermore, we will not know what, if any approvals, may be needed from our office until we seer more definitive descriptions of the proposed work... if they are going to be rerouting piping, then we will need to approve it before the work is done." Mr. Sims' email also confirms that Defendants were notified by the DEC that a Closure Plan is needed for the septic system on the Plaintiff's property.

Hon. Elaine Z. Slobod, J.S.C. July 29, 2013 page 2

The Defendants have elected to provide the Court with incorrect and misleading information. Mr. Sims has made clear in his email that no permission of any kind was given to the Defendants to either close off or reroute sewer piping on their property. Until the Department of Health physically inspects any work which was improperly performed on the Defendants' property, the potential dangers to the Plaintiff's property continue to this date. Under the circumstances presented herein, Plaintiff hereby renews his request for a Temporary Restraining Order completely shutting down the Defendants' laundry facilities until such time as the Department of Health reviews and approves the work that has been performed to date and any proposed work. Furthermore, for the same reasons, those campsites being operated by Defendants feeding into the illegal septic system on Plaintiff's property should also be shut down. Plaintiff is not seeking to close down 33 campsites, as claimed in the Lipman Affirmation. Paragraph 6 of the Sandor Affidavit states that the illegal septic system installed by Defendants on Plaintiff's property allegedly services only seven (7) campsites, identified by Defendants as campsites "E" through "K".

In the first instance, it is respectfully submitted that Plaintiff should not be required to post any type of bond in this action, particularly since Plaintiff has done nothing wrong and the Defendants have not only admitted to causing illicit discharge onto Plaintiff's property, but now it is clear that the Defendants have misled this Court into believing that the recent work that they have undertaken to reroute sewer piping was done with the approval of the Department of Health, which is clearly not the case. Secondly, even using the arithmetic proposed by Mr. Lipman in paragraph 24 of his Affirmation, the closure of seven campsites at \$70.00/day for 120 days amounts of \$58,800.00, nowhere near the \$300,000.00 bond amount arrived at by Mr. Lipman. Should any bond be required by the Court, which would effectively penalize the Plaintiff who has done nothing wrong, said bond should truthfully be no higher than \$50,000.00.

For the reasons set forth herein, and in particular, Defendants' willingness to mislead this Court, the undersigned respectfully requests that the Temporary Restraining Order to be issued by this Court should include the complete closure of Defendants' laundry facilities as well as campsites "E" through "K", without bond, pending the determination of the instant application.

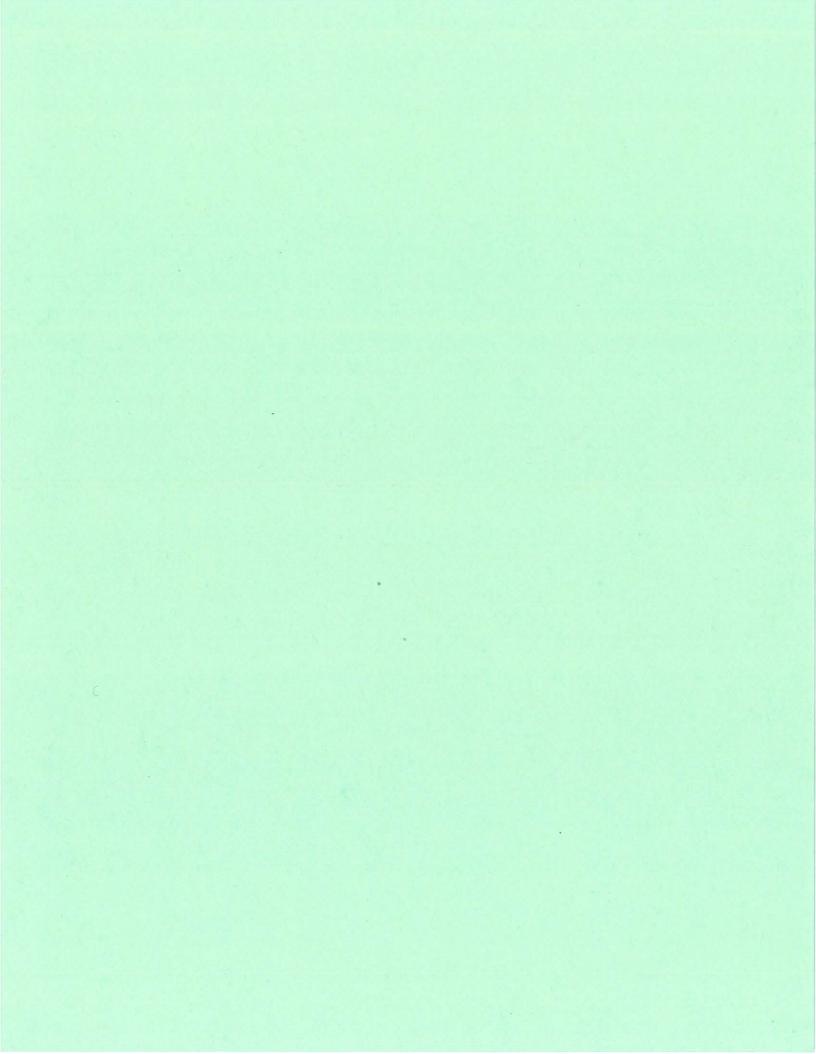
Respectfully submitted,

William A. Frank

WAF:maz

enclosures

ce: Alan S. Lipman, Esq.-Via Telecopier 845-294-7889



LEGAL ASSISTANTS

BRIAN M. GIBSON KAREN TELGHEDER

LAW OFFICES

FABRICANT LIPMAN & FRISHBERG, PLLC

ONE HARRIMAN SQUARE POST OFFICE BOX 60 GOSHEN, NEW YORK 10924 E-Mail info@lipmanlaw net

TELEPHONE. (845) 294-7944 FAX (845) 294-7889

ALANS. LIPMAN NEALD FRISHBERG'

HERBERT J. FABRICANT (1915-1987) 'Also admitted in NJ and FL

Via Facsimile to (845) 291-2104

July 30, 2013

Hon, Elaine Slobod Justice of the Supreme Court 285 Main Street Goshen, New York 10924

> Re: Neeman v. Smith et al. Index Nº 6289-2013

Dear Judge Slobod:

I have before me a letter dated July 29, 2013, addressed to you by William A. Frank, Esquire. That letter was faxed to my office at 4:00 PM yesterday. Unfortunately, my day yesterday began at 4 AM and when the hearing was concluded, I was exhausted and went home for the rest of the day.

This morning I had an appointment at 10 AM with my older brother, who is a dentist in New Jersey and went directly from home to that appointment. I returned to the office at 1 PM, had lunch, and returned to my desk at about 2 PM. It was then that I discovered the subject letter. I have no explanation for the failure of my staff to have earlier notified me about the letter but I do not believe that such a circumstance will ever happen again while the current members of my staff remain in my employ.

Limmediately called Mike Sandor and made him aware of what Ed Sims had reported to Mr. Frank. I suggested and we had a conference call with Mr. Sims. The bottom line is that he maintains that he did not authorize any work to be done on July 26, 2013 and Mr. Sandor maintains that he did receive authorization to perform the work. I do not believe that either of these men would lie and that the only reasonable explanation is the difference in their definition of "authorization".

(Continued)

FABRICANT LIPMAN & FRISHBERG, PLLC

Hon. Elaine Slobod July 30, 2013 Page 2

It should be clear however that the work that was done with respect to the Laundry Building was performed on July 15, 2013, shortly after the inspection made by the Department of Health on July 8, 2013.

With respect to the septic system on the Neeman property, that work was done on July 26, 2013 following the meeting between Messrs. Sandor and Sims. Notwithstanding their different understandings of the dialogue at their meeting, Mr. Sims did say to me in this conference call, that he would be happy to inform you that "the work that was done to disconnect the septic system on the Neeman property from the campground was in the best interest of the public health."

When we were before you yesterday it was clear that the Department of Health was waiting to review the as-built plans for the various septic systems located on the campground property. Those plans are being prepared by Mr. Sandor and the need for those reviews and approvals remains the problem of my clients and not Mr. Neeman. Mr. Sims indicated that he would review those plans when they arrive.

I personally assure the Court that nothing that I said yesterday was expressed in bad faith or as an untruth. I do not believe that Mr. Sandor said anything to intentionally mislead this Court nor did he supervise work that he did not believe had been authorized. I believe that he and Mr. Sims had some kind of misunderstanding between them but in any case, nothing has changed that should affect the TRO that is in place. My clients remain responsible to do what is necessary to secure the approvals from the Department of Health and to obey the TRO now in place which fully protects the plaintiff.

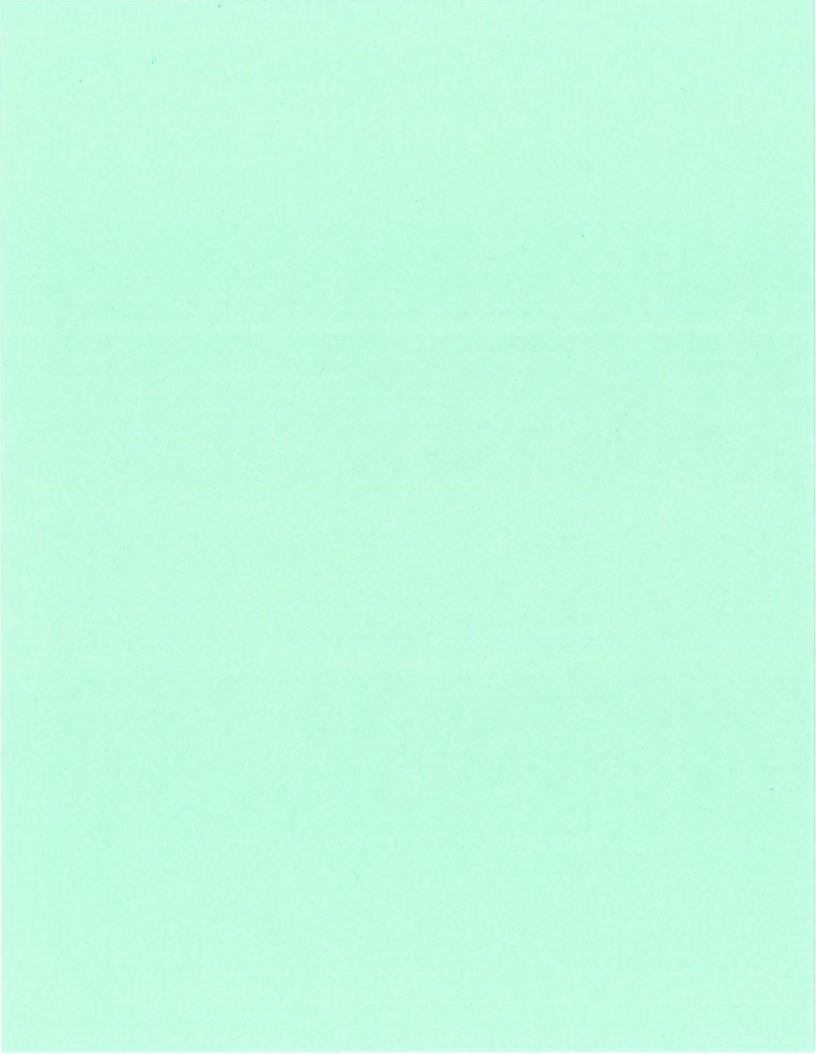
I do not believe that I misled the court in any respect yesterday but nevertheless I regret the need to go over this scenario again.

Very truly yours.

ALAN S. LIPMAN

ASI/rm

cc: Michael J. Sandor, P.E. William A. Frank, Esquire by Facsimile to (845) 888-5606 Edwin L. Sims, P.E. Howard Smith



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DIRECT DRIVE SYSTEM

27" heavy-duty commercial washers feature the Direct-Drive, No-Belt washing system for greater reliability, reduced down time and increased profits.

LARGE CAPACITY WASH BASKET

Ideal for handling family size loads!

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Porcelain top and lid finish resists rust, chipping and scratching.



FRONT LOCK READY

Factory installed lock blank provides a visual vandalism deterrent.

To further discourage theft, order optional front panel lock assembly (part #358290) for the added security of tying the front and top panels together.



HIGH AND LOW WATER LEVEL

Reduce water consumption to 23.22 gallons per cycle!*

Based on low water level, 3 lb. load



TRIPOD SUSPENSION

Sturdy tripod-suspension with active liquid filled balance ring reduces

product weight while balancing commercial size laundry loads.



RUST PROOF SCREWS

Rust proof Stainless Steel Torx" control panel screws give your machines added security and service life!



SEALED HIDDEN LID SWITCH

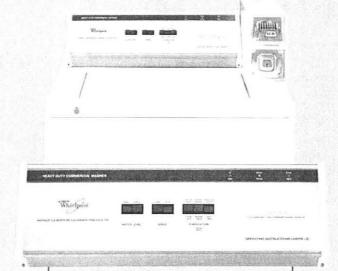
To help ensure safe operation, Whirlpool* commercial washers feature a lid switch that is truly hidden. Not only does this prevent tampering, it ensures that the washer will not operate when the lid is open.



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Tested to 1100 PSI!

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Featuring Mechanical Controls









CAM2762TQ — 27" 2-Speed Washer with Metercase

Machine Accepts the Following Payment Systems (not included):

- Coin Slide
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- Retrofit Card Reader
- OPL Push-To-Start Kit (No Coins Needed)
- . 3.2 Cu. Ft. Wash Basket, 18 Lbs. UL
- Push Button Controls
- High Efficiency, Low Water Factor
- 3 Cycles: Heavy (Hot/Cold), Permanent Press (Warm/Cold) and Colorfast (Cold/Cold) to Provide the Right Washing Conditions for a Wide Range of Fabrics
- Two-Speed Advantage with True Gentle Wash, High Speed Spin Only!
- Deep Rinse System, Automatic Temperature Control 115° H 85° W
- Porcelain Top and Lid, Rust Proof Stainless Steel Hinges and Console Screws
- · Hidden Lid Switch
- · High Speed Spin 640 RPM (Approx.)
- Galvanized, Heavy Gauge Cabinet Back, Side and Front Panels, Removable Front Service Panel
- Heavy Duty Motor Coupler Isolator Tested to 20,000 Cycles!*
- ½ HP Motor with Built-In Overload Protector: 120-Volt, 60 Hz., A.C. Agitation Speed 180 SPM/High 120 SPM/Low
- Reliable, Direct-Drive NO-BELTS Drive System, Front and Bottom Serviceable
- Extra Long Power Cord and Commercial-Grade, Color-Coded Water Inlet Hoses with Brass Couplings and EDPM Rubber Drain Hose
- 3 Cycle Indicator Lamps
- 23.22 Gallons Minimum Water Usage per Cycle (Low Water Level, 3 Lbs. Load)
- 3 Year Limited Parts Only Warranty"
- . Money Acceptors Sold Separately

^{*} Testing complete 11/12/2001

^{**} Call 1-800-NO-BELTS for warranty details

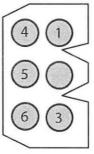
COMMERCIAL WASHER SPECIFICATIONS

| WASHER SPECIFICATIONS | | |
|---|--|--|
| MODEL NUMBER | CAM2762TQ | |
| GENERAL INFORMATION Accepts the following payment systems: Coin Slide, Retrofit Coin Drop, Retrofit Card Reader, and OPL Push-to-Start Stainless steel look push button console, hidden lid switch, porcelain finish top and lid, galvanized, extra thick front panel, side and back panels, improved meter case, front panel lock blank factory installed. Commercial-Grade, color-coded water inlet hoses with brass couplings and rubber drain hose included | High Efficiency Deep Rinse, Electronic Temperature Control. Super Capacity 3.2 Cu. Ft. Basket, High and Low Water Level Settings, 2007 Federal Energy Compliant | |
| MOTOR 120-Volt V_z -HP Direct-Drive with Built-In Overload Protector | Two-Speed Advantage with True Gentle Wash High Speed Spin Only! | |
| AGITATION STROKES PER MINUTE/AMPERAGE | 180 SPM/High (5.0 Amps No Load) 120 SPM/Low (5.0 Amps No Load) | |
| MAXIMUM RATED CURRENT | 9.8 Amps (120-Volt) | |
| MOTOR RPM | 1725 High, 1140 Low | |
| SPIN RPM | 640 High | |
| ELECTRICAL REQUIREMENTS Subject to Local Codes | 120-Volt, 60 Hz., A.C. Standard 15 Amps Breaker/Fuse Branch Circuit for Each Washer | |
| DIMENSIONS See Illustration Below | 43" H (at Metercase Top), 35" H (at Lid), 27" W, 25.5" D | |
| SHIPPING WEIGHT (EST.) | 184 Lbs. | |
| BASKET VOLUME | 3.2 Cu. Ft. (18 Lbs. UL) | |

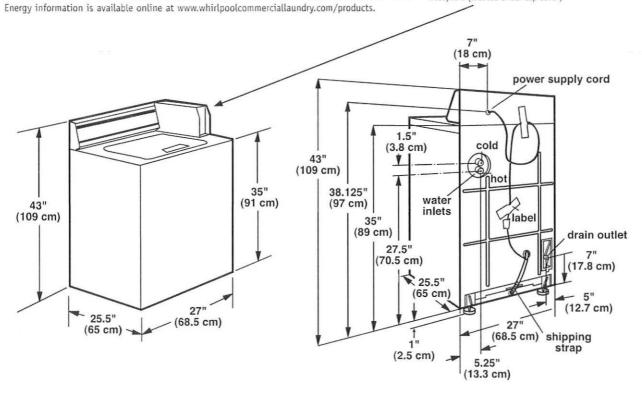
Dimensions are for planning purposes only. For complete information, see installation instructions packed with product.

NEW YORK CITY M.E.A.

| PIN | FUNCTION |
|--------------|--|
| 5 to neutral | Remote cycle start with remote relay closure |
| 1 to 4 | Changes state every 30 seconds |
| 3 to 6 | Cycle Counter |



E-Z Wiring Harness Feature Connector for connection to money acceptors (located under top cover)



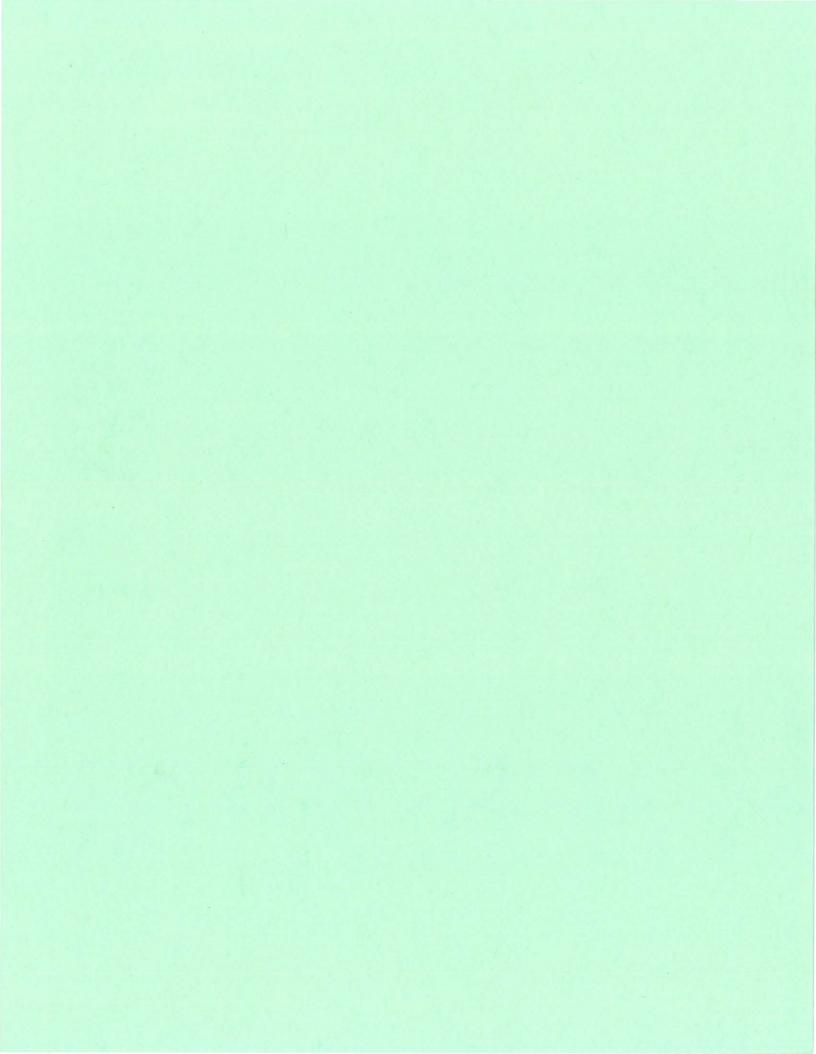
WASHER FRONT VIEW

WASHER BACK VIEW

To Locate a Distributor Near You, Please Visit www.whirlpoolcommerciallaundry.com/distributor, or call 1-800-NO-BELTS









ANALYTICAL REPORT

Job Number: 420-69527-1

SDG Number: Neeman 5609104

Job Description: PVE Sheffler

For:
PVE Sheffler
1 Civic Center Plaza
Suite 501
Poughkeepsie, NY 12601

Attention: Christopher B. Brown

Meredith Ruthverz

Meredith W Ruthven
Customer Service Manager
mruthven@envirotestlaboratories.com
09/05/2013

cc: Tara Alvarado

The test results in this report meet all NELAP requirements unless specified within the case narrative. Pursuant to NELAP, this report may not be reproduced, except in full, without the written approval of the laboratory. EnviroTest Laboratories Inc. certifies that the analytical results contained herein apply only to the samples tested as received by our laboratory. All questions regarding this report should be directed to the EnviroTest Customer Service Representative.

EnviroTest Laboratories, Inc. Certifications and Approvals: NELAP Accredited, NYSDOH 10142, NJDEP NY015, CTDOPH PH-0554, EPA NY00049.



Job Narrative 420-J69527-1

Comments

No additional comments.

Receipt

All samples were received in good condition within temperature requirements.

GC/MS VOA

Method 8260C: The laboratory control standard (LCS) for batch 68887 exceeded control limits for the analytes indicated by an asterisk (*) on the results form. These analytes were biased high in the LCS and were not detected in the associated samples; therefore, the data have been reported with confidence of no false negatives.

No other analytical or quality issues were noted.

GC VOA

Method 8015D_DRO: Surrogate recovery for sample 69527-2 was outside control limits. This sample shows evidence of matrix interference; therefore, re-extraction and/or re-analysis was not performed.

No other analytical or quality issues were noted.

General Chemistry

No analytical or quality issues were noted.

Biology

No analytical or quality issues were noted.

Organic Prep

No analytical or quality issues were noted.

METHOD SUMMARY

Lab Location

Method

Client: PVE Sheffler

Description

Job Number: 420-69527-1 SDG Number: Neeman 5609104

Preparation Method

MCAWW 365.2/365.3/365

SW846 5030C

SM20 SM 4500 NH3 B

Matrix: Solid Nitrate-Nitrite Lachat **EnvTest** QuickChem 10-107-04-1C Deionized Water Leaching Procedure (Routine) EnvTest **ASTM NONE** Nitrogen, Total Kjeldahl (Colorimetric, Semi-Automated Block **EnvTest** MCAWW 351.2 Digester, AAII) Nitrogen, Total Kjeldahl (Colorimetric, Semi-Automated MCAWW 351.2 **EnvTest** Phosphorus, All Forms, Colorimetric, Two Reagent **EnvTest** EPA 365.3 Sample Digestion for Total Phosphorous **EnvTest** MCAWW 365.2/365.3/365 8015D Diesel Range Organics EnvTest SW846 8015D DRO Microwave Extraction **EnvTest** SW846 3546 Volatile Organic Compounds by GC/MS **EnvTest** SW846 8260C Closed System Purge & Trap Low Level EnvTest EPA 5035-L Chloride by Silver Nitrate Titration EnvTest SM18 SM 4500 CI- B Deionized Water Leaching Procedure (Routine) EnvTest ASTM NONE EnvTest Ammonia - Titrimetric method SM20 SM 4500 NH3 C Ammonia Distillation **EnvTest** SM20 SM 4500 NH3 B Matrix: Water Nitrate-Nitrite Lachat **EnvTest** QuickChem 10-107-04-1C HEM and SGT-HEM by Extraction and Gravimetry **EnvTest** 1664A 1664A HEM and SGT-HEM by Extraction and EnvTest 1664A 1664A MCAWW 351.2 Nitrogen, Total Kjeldahl (Colorimetric, Semi-Automated Block **EnvTest** Digester, AAII) Nitrogen, Total Kjeldahl (Colorimetric, Semi-Automated EnvTest MCAWW 351.2 Phosphorus, All Forms, Colorimetric, Two Reagent **EnvTest** EPA 365.3

EnvTest

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EnvTest

MCAWW 410.4

SW846 8260C

SM20 SM 2130B

SM18 SM 2540D

SM20 SM 5210B

SM18 SM 5540C

SM18 SM 9222D

SM18 SM 4500 CI- B

SM21 SM 4500 NH3 G

Lab References:

5 Day BOD test

Turbidity

EnvTest = EnviroTest

EnviroTest Laboratories, Inc.

Sample Digestion for Total Phosphorous

Purge and Trap for Aqueous Samples

Membrane Filter Technique - Fecal Coliform Procedure

Volatile Organic Compounds by GC/MS

Total Suspended Solids Dried at 103-105°C

Chloride by Silver Nitrate Titration

Ammonia Distillation

Ammonia (Automated Phenate)

Anionic Surfactants as MBAS

Chemical Oxygen Demand (Colorimetric, Automated; Manual)

METHOD SUMMARY

Client: PVE Sheffler

Job Number: 420-69527-1

SDG Number: Neeman 5609104

Description Lab Location Method Preparation Method

Method References:

1664A = EPA-821-98-002

ASTM =

EPA = US Environmental Protection Agency

MCAVW = "Methods For Chemical Analysis Of Water And Wastes", EPA-600/4-79-020, March 1983 And Subsequent Revisions.

QuickChem = Lachat QuickChem Manual

SM18 = "Standard Methods For The Examination Of Water And Wastewater", 18th Edition, 1992.

SM20 = "Standard Methods For The Examination Of Water And Wastewater", 20th Edition."

SM21 = "Standard Methods For The Examination Of Water And Wastewater", 21st Edition

SW846 = "Test Methods For Evaluating Solid Waste, Physical/Chemical Methods", Third Edition, November 1986 And Its Updates.

METHOD / ANALYST SUMMARY

Client: PVE Sheffler

Job Number: 420-69527-1

SDG Number: Neeman 5609104

| Analyst | Analyst ID |
|----------------------|--|
| Andersen, Eric C | ECA |
| Palentino, Gus J | GJP |
| Sutcliffe, Bethany L | BLS |
| Mawe, lan | IM |
| McPhillips, Julie | JM |
| Sutcliffe, Bethany L | BLS |
| Goldstein, Amy | AG |
| Goldstein, Amy | AG |
| Harmon, Kelly | KH |
| Cusack, Collin | CC |
| Goldstein, Amy | AG |
| McPhillips, Julie | JM |
| McPhillips, Julie | JM |
| Goldstein, Amy | AG |
| Mawe, lan | IM |
| Harmon, Kelly | KH |
| | Andersen, Eric C Palentino, Gus J Sutcliffe, Bethany L Mawe, Ian McPhillips, Julie Sutcliffe, Bethany L Goldstein, Amy Goldstein, Amy Harmon, Kelly Cusack, Collin Goldstein, Amy McPhillips, Julie McPhillips, Julie Goldstein, Amy Mawe, Ian |

SAMPLE SUMMARY

Client: PVE Sheffler

Job Number: 420-69527-1

SDG Number: Neeman 5609104

| | | | Date/Time | Date/Time |
|---------------|------------------|---------------|-----------------|-----------------|
| Lab Sample ID | Client Sample ID | Client Matrix | Sampled | Received |
| 420-69527-1 | SP-W-1 | Water | 08/23/2013 1415 | 08/26/2013 1715 |
| 420-69527-2 | SP-S-1 | Solid | 08/23/2013 1455 | 08/26/2013 1715 |

 Client Sample ID:
 SP-W-1
 Date Sampled:
 08/23/2013
 1415

 Lab Sample ID:
 420-69527-1
 Date Received:
 08/26/2013
 1715

Client Matrix: Water

Job Number: 420-69527-1

Sdg Number: Neeman 5609104

| Analyte | Result/Qu | alifier | Unit | RL | RL | Dilution |
|---------------------------|-----------|---------|---------|----------|-----------------|----------|
| Method: 8260C | | | Date Ar | nalyzed: | 08/28/2013 1223 | |
| Prep Method: 5030C | | | | repared: | 08/28/2013 1223 | |
| 1,2,4-Trichlorobenzene | 1.0 | Ü | ug/L | 1.0 | 1.0 | 1.0 |
| 1,2-Dichlorobenzene | 1.0 | Ü | ug/L | 1.0 | 1.0 | 1.0 |
| 1,3-Dichlorobenzene | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| 1,4-Dichlorobenzene | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Acrolein | 1.0 | U * | ug/L | 1.0 | 1.0 | 1.0 |
| Acrylonitrile | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Benzene | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Bromoform | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Bromomethane | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Carbon tetrachloride | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Chlorobenzene | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Chlorodibromomethane | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Chloroethane | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Chloroform | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Chloromethane | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| cis-1,3-Dichloropropene | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Bromodichloromethane | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Ethylbenzene | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Hexachlorobutadiene | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Methyl tert-butyl ether | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Methylene Chloride | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Naphthalene | 5.0 | U | ug/L | 5.0 | 5.0 | 1.0 |
| Tetrachloroethene | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Toluene | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| trans-1,2-Dichloroethene | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| trans-1,3-Dichloropropene | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Trichloroethene | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Vinyl chloride | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| Xylenes, Total | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| 1,1,1,2-Tetrachloroethane | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| 1,1,1-Trichloroethane | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| 1,1,2-Trichloroethane | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| 1,1-Dichloroethane | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| 1,1-Dichloroethene | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| 1,2-Dichloroethane | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| 1,2-Dichloropropane | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| 2-Chloroethyl vinyl ether | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |
| 1,2-Dichloroethene, Total | 1.0 | U | ug/L | 1.0 | 1.0 | 1.0 |

Job Number: 420-69527-1 Sdg Number: Neeman 5609104

Client Sample ID:

SP-W-1

Lab Sample ID:

420-69527-1

Date Sampled:

08/23/2013 1415

Client Matrix:

Date Received: 08/26/2013 1715 Water

| Analyte | Result/Qual | lifier | Unit | RL | RL | Dilution |
|------------------------------|-------------|--------|-----------|---------|-------------------|----------|
| Surrogate | | | | | Acceptance Limits | |
| Toluene-d8 (Surr) | 100 | | % | | 74 - 129 | |
| 1,2-Dichloroethane-d4 (Surr) | 94 | | % | | 77 - 117 | |
| 4-Bromofluorobenzene | 98 | | % | | 74 - 119 | |
| Method: 10-107-04-1C | | | Date Ana | alyzed: | 08/28/2013 1536 | |
| Nitrate Nitrite as N | 0.085 | | mg/L | 0.010 | 0.010 | 1.0 |
| Method: 1664A | | | Date Ana | alyzed: | 08/27/2013 0900 | |
| Prep Method: 1664A | | | Date Pre | epared: | 08/27/2013 0900 | |
| HEM | 5.0 | U | mg/L | 5.0 | 5.0 | 1.0 |
| Method: 351.2 | | | Date Ana | alyzed: | 08/30/2013 1239 | |
| Prep Method: 351.2 | | | Date Pre | epared: | 08/28/2013 1056 | |
| TKN | 120 | | mg/L | 10 | 10 | 2.0 |
| Method: 365.3 | | | Date Ana | alyzed: | 08/29/2013 1555 | |
| Prep Method: 365.2/365.3/365 | | | Date Pre | epared: | 08/29/2013 1200 | |
| Phosphorus, Total | 12 | | mg/L | 2.0 | 2.0 | 20 |
| Method: 410.4 | | | Date Ana | alyzed: | 08/26/2013 1625 | |
| Chemical Oxygen Demand | 310 | | mg/L | 10 | 10 | 1.0 |
| Method: SM 2130B | | | Date Ana | alyzed: | 08/23/2013 1730 | |
| Turbidity | 16 | | NTU | 0.10 | 0.10 | 1.0 |
| Method: SM 2540D | | | Date Ana | alyzed: | 08/26/2013 1501 | |
| Total Suspended Solids | 28 | | mg/L | 5.0 | 5.0 | 1.0 |
| Method: SM 4500 CI- B | | | Date Ana | alyzed: | 08/28/2013 1400 | |
| Chloride | 5.0 | U | mg/L | 5.0 | 5.0 | 1.0 |
| Method: SM 4500 NH3 G | | | Date Ana | alyzed: | 08/28/2013 1337 | |
| Prep Method: SM 4500 NH3 B | | | Date Pre | 1550 | 08/27/2013 1734 | |
| Ammonia | 110 | | mg/L | 0.50 | 0.50 | 2.0 |
| Method: SM 5210B | | | Date Ana | alyzed: | 08/23/2013 1700 | |
| Biochemical Oxygen Demand | 200 | | mg/L | 120 | 120 | 60 |
| Method: SM 5540C | | | Date An | alyzed: | 08/23/2013 1745 | |
| MBAS | 0.40 | | mg/L | 0.10 | 0.10 | 1.0 |
| Method: SM 9222D | | | Date An | alvzed: | 08/23/2013 1725 | |
| Coliform, Fecal | 110 | | CFU/100mL | | 10 | 10 |
| Ø | | | | | | |

Job Number: 420-69527-1 Sdg Number: Neeman 5609104

Client Sample ID:

SP-S-1

Lab Sample ID:

420-69527-2

Date Sampled: 08/23/2013 1455

Date Received: 08/26/2013 1715

Client Matrix: Percent Solids: 5

Solid

| Analyte | Result/Qualifier | | Unit | RL | RL | Dilution |
|-------------------------|------------------|-----|----------------|-------|-----------------|----------|
| Method: 8260C | | | Date Analyzed: | | 08/27/2013 1148 | |
| Prep Method: 5035-L | | | Date Prep | ared: | 08/27/2013 1148 | |
| 1,1,1-Trichloroethane | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| 1,1,2-Trichloroethane | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| 1,1-Dichloroethane | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| 1,1-Dichloroethene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| 1,2,4-Trichlorobenzene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| 1,2,4-Trimethylbenzene | 20 | | ug/Kg Dry | 18 | 18 | 1.0 |
| 1,2-Dichlorobenzene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| 1,2-Dichloroethane | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| 1,2-Dichloropropane | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| 1,3,5-Trimethylbenzene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| 1,3-Dichlorobenzene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| 1,4-Dichlorobenzene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Benzene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Benzyl chloride | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Bromobenzene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Bromodichloromethane | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Bromoform | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Bromomethane | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Carbon disulfide | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Carbon tetrachloride | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Chlorobenzene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Chlorobromomethane | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Chlorodibromomethane | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Chloroethane | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Chloroform | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Chloromethane | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| cis-1,2-Dichloroethene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| cis-1,3-Dichloropropene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Dibromomethane | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Dichlorodifluoromethane | 18 | U * | ug/Kg Dry | 18 | 18 | 1.0 |
| Ethyl methacrylate | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Ethylbenzene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Hexachlorobutadiene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Isopropylbenzene | 36 | | ug/Kg Dry | 18 | 18 | 1.0 |
| Methyl tert-butyl ether | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Methylene Chloride | 190 | | ug/Kg Dry | 18 | 18 | 1.0 |
| m-Xylene & p-Xylene | 35 | U | ug/Kg Dry | 35 | 35 | 1.0 |
| Naphthalene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| o-Xylene | 35 | Ü | ug/Kg Dry | 35 | 35 | 1.0 |

Job Number: 420-69527-1 Sdg Number: Neeman 5609104

Client Sample ID: SP-S-1 Lab Sample ID: 420-69527-2 Date Sampled: 08/23/2013 1455 Date Received: 08/26/2013 1715

Client Matrix: Solid
Percent Solids: 5

| Analyte | Result/Qua | lifier | Unit | RL | RL | Dilution |
|---|------------------|--------|--------------------------|---|------------------------------------|----------|
| p-Isopropyltoluene | 2500 | E | ug/Kg Dry | 18 | 18 | 1.0 |
| Tetrachloroethene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Toluene | 21 | | ug/Kg Dry | 18 | 18 | 1.0 |
| trans-1,2-Dichloroethene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| trans-1,3-Dichloropropene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Trichloroethene | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Trichlorofluoromethane | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Vinyl acetate | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Vinyl chloride | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Xylenes, Total | 35 | U | ug/Kg Dry | 35 | 35 | 1.0 |
| 1,1,1,2-Tetrachloroethane | 18 | U | ug/Kg Dry | 18 | 18 | 1.0 |
| Surrogate | | | | | Acceptance Limits | |
| Toluene-d8 (Surr) | 108 | | % | | 72 - 143 | |
| Method: 8260C Run Type: DL Prep Method: 5035-L | | | Date Analy Date Prepa | | 08/27/2013 1934 08/27/2013 1934 | |
| p-Isopropyltoluene | 5600 | D | ug/Kg Dry | 60 | 60 | 1.0 |
| Method: 8015D_DRO Prep Method: 3546 | | | 24.07.17.10.72.04. | | 08/30/2013 1554 08/30/2013 1000 | |
| DRO | 5800 | | mg/Kg Dry | 500 | 500 | 1.0 |
| Surrogate | | | | | Acceptance Limits | |
| o-Terphenyl | 2700 | X | % | | 20 - 170 | |
| Method: Soluble-10-107-04-1C | | | Date Analy | zed: | 08/28/2013 1537 | |
| Nitrate Nitrite as N | 40 | U | mg/Kg Dry | 40 | 40 | 1.0 |
| Method: 351.2 | | | Date Analy | | 08/30/2013 1229 | |
| Prep Method: 351.2 TKN | 41000 | | Date Prepa mg/Kg Dry | ared: 3400 | 08/28/2013 1056 3400 | 1.0 |
| Method: 365.3 | | | Date Analy | zed: | 08/29/2013 1555 | |
| Prep Method: 365.2/365.3/365 | | | Date Prepa | | 08/29/2013 1200 | |
| Phosphorus, Total | 9900 | | mg/Kg Dry | 8100 | 8100 | 50 |
| Method: Soluble-SM 4500 CI- B | | | Date Analy | zed: | 08/28/2013 1400 | |
| Chloride | 120 | | mg/Kg Dry | 100 | 100 | 1.0 |
| Method: SM 4500 NH3 C | | | Date Analy | zed: | 08/28/2013 1245 | |
| Prep Method: SM 4500 NH3 B | | | Date Prepa | | 08/27/2013 1734 | |
| Ammonia | 23000 | | mg/Kg Dry | 2100 | 2100 | 1.0 |
| control and a constituted RESS | sycandicTiCTiCTi | | | , | | 320PFR |

DATA REPORTING QUALIFIERS

Client: PVE Sheffler

Job Number: 420-69527-1

Sdg Number: Neeman 5609104

| Lab Section | Qualifier | Description |
|-------------------|-----------|---|
| GC/MS VOA | | |
| GONNO VOA | | |
| | * | LCS or LCSD exceeds the control limits |
| | D | Surrogate or matrix spike recoveries were not obtained because the extract was diluted for analysis; also compounds analyzed at a dilution may be flagged with a D. |
| | E | Result exceeded calibration range, secondary dilution required. |
| | U | The analyte was analyzed for but not detected at or above the stated limit. |
| GC Semi VOA | | |
| | X | Surrogate exceeds the control limits |
| General Chemistry | | |
| | U | The analyte was analyzed for but not detected at or above the stated limit. |

Definitions and Glossary

Client: PVE Sheffler Job Number: 420-69527-1

Sdg Number: Neeman 5609104

| Abbreviation | These commonly used abbreviations may or may not be present in this report. |
|--------------|--|
| %R | Percent Recovery |
| DL, RA, RE | Indicates a Dilution, Reanalysis or Reextraction. |
| EPA | United States Environmental Protection Agency |
| MDL | Method Detection Limit - an estimate of the minimum amount of a substance that an analytical process can reliably detect. A MDL is analyte- and matrix-specific and may be laboratory-dependent. |
| ND | Not detected at the reporting limit (or MDL if shown). |
| QC | Quality Control |
| RL | Reporting Limit - the minimum levels, concentrations, or quantities of a target variable (e.g., target analyte) that can be reported with a specified degree of confidence. |
| RPD | Relative Percent Difference - a measure of the relative difference between two points |

EnviroTest Laboratories, Inc.

CHAIN OF CUSTODY

315 Fullerton Avenue Newburgh, NY 12550 TEL (845) 562-0890 FAX (845) 562-0841

| CUSTOMER PUE Sheffier | REPORT TYPE | TURNAROUND | REPORT # (Lab Use Only) |
|--|--|---|--|
| Poughkeepene NT 12601 | STANDARD ISRA | ☐ NORMAL | 69527 |
| CITYSTATES ZIP John Conrad / Tim Pagano CONTACT PHONE | □ NJ REG | ☐ QUICK | NOTE: SAMPLE TEMPERATURE UPON RECEIPT MUST BE 4C -1- 2C. |
| Neenan 805-454-2544 | NYASP A B | | SAMPLE TEMP. 6,2 % |
| PROJECT LOCATION | A CONTRACTOR OF THE PARTY OF TH | 3 day | SAMPLE REC'D. ON ICE Y N |
| PRJ NUMBER/P.O.# | 1 | , | PH CHECK Y N |
| MATRIX:DW=DRINKING WATER S=SOIL O=OIL WW=WASTE WATER | 8 | | CHLORINE RESIDUAL Y N |
| SL=SLUDGE GW=GROUND WATER | Total # of containers 40ml Glass HCL Liter Glass HCL 250ml Amber H2SO4 Liter Amber Plain 250ml Plastic HN03 | 50ml Plastic NaOH Iter Plastic Iter Plastic H2SO4 50ml Plastic Sterile 25ml Plastic Sterile oz Glass oz Glass Somi Pl. NaOHZnAcc | NY PUBLIC WATER SUPPLIES |
| Î Î | fotal # of contain form Glass HCL liter Glass HCL 50ml Amber H2SO4 liter Amber Plain 50ml Plastic HN03 | Storn Plastic NaOH Iter Plastic Iter Plastic H2SO4 Storn Plastic Sterile 25ml Plastic Sterile 35ml Plastic Sterile | SOURCE ID ELRP TYPE |
| SAMPLING DE MATRIX Client I.D. Sample # DATE TIME S MATRIX Client I.D. | Otal # of col Oml Glass HCl iter Glass HCL Soml Amber Ha iter Amber Pla | 250ml Plastic Liter Plastic Liter Plastic H 250ml Plastic H 125ml Plastic S 250ml Plastic S 20x Glass 250ml Pl. NeC | FEDERAL ID |
| | | 250r Liter 1250r 2002 250r | ANALYSIS REQUESTED MASS |
| Pa W-1 2013 2:15 X Waves | 9 | | BOD. COD, Ecoli, Grasselvil 1755, NO3, NHZ TKN, TPO4, CI, TU-biz. 44, Volanile organics |
| 0+5-1 8/23/ 2:53 X 50:1 | 7 1 | | 11 No BOD on mBAS 11 |
| O H | | | , , , , , , , , , , , , , , , , , , , |
| 4 | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| SAMPLES SUBMITTED FOR ANALYSIS WILL BE SUBJECTED TO RELIQUISHED BY COMPANY | DATE TIME RECE | VED BY COMPANY | PATE TIME |
| Frankt SC-sar PVE Sheller | 8123/13 5:15 PW/ | IVED BY COMPANY | 21-8123/130-137 |
| Fin Pageme PVE SLEEFELL | | IVED BY COMPANY | |
| REDOUISHED BY COMPANY | | IVEO BY GOMPANY | DATE TIME |
| | | • | |
| COMMENTS | OH 10142 NUDEP NY015 CTDOPH PH-0554 EPA | NYAGOAG | |

LOGIN SAMPLE RECEIPT CHECK LIST

Client: PVE Sheffler

Job Number: 420-69527-1 SDG Number: Neeman 5609104

Login Number: 69527

| Question | T/F/NA | Comment |
|---|--------|---------|
| Samples were collected by ETL employee as per SOP-SAM-1 | NA | |
| The cooler's custody seal, if present, is intact. | NA | |
| The cooler or samples do not appear to have been compromised or tampered with. | True | |
| Samples were received on ice. | True | |
| Cooler Temperature is recorded. | True | 6.2 C |
| Cooler Temp. is within method specified range.(0-6 C PW, 0-8 C NPW, or BAC <10 C $$ | True | |
| If false, was sample received on ice within 6 hours of collection. | NA | |
| Based on above criteria cooler temperature is acceptable. | True | |
| COC is present. | True | |
| COC is filled out in ink and legible. | True | |
| COC is filled out with all pertinent information. | True | |
| There are no discrepancies between the sample IDs on the containers and the COC. | True | |
| Samples are received within Holding Time. | True | |
| Sample containers have legible labels. | True | |
| Containers are not broken or leaking. | True | |
| Sample collection date/times are provided. | True | |
| Appropriate sample containers are used. | True | |
| Sample bottles are completely filled. | True | |
| There is sufficient vol. for all requested analyses, incl. any requested MS/MSDs | True | |
| VOA sample vials do not have headspace or bubble is <6mm (1/4") in diameter. | NA | |
| If necessary, staff have been informed of any short hold time or quick TAT needs | True | |
| Multiphasic samples are not present. | True | |
| Samples do not require splitting or compositing. | True | |